



W.P.No.11823 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.11823 of 2020

Gafoor Khan

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Construction Workers,
Welfare Board,
No.8, Valluvar Kottam High Road,
Nungambakkam,
Chennai – 600 034.

2. The Assistant Commissioner of Labour,
(Social Welfare Scheme),
Cuddalore – 607 001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus call for the records and quash the proceedings of the second respondent in Na.Ka.No.A/001253/2020 dated 24.02.2020 and consequently direct the respondents to pay petitioner pension due to him along with arrears.

For petitioner	:	Mr.D.Baskar
For respondent	:	Mr.R.U.Dinesh Raj Kumar Additional Government Pleader



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ORDER

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This writ petition is filed to quash the proceedings dated 24.02.2020 in Na.Ka.No.A/001253/2020 and consequently direct the respondents to pay petitioner pension due to him along with arrears.

2. The petitioner was born on 09.12.1947 and aged about 73 years as on the date of filing this writ petition. The Government has started paying pension of Rs.1,000/- per month to the labourers who have completed the age of 60 years and retired and who have registered the names with the Tamil Nadu Construction Employees Board. The petitioner has applied for pension as Electrician through the Board. Accordingly, he was paid pension of Rs.1,000/- per month from 01.04.2012 till 31.03.2013. However, without any reason payment of pension was stopped from 01.04.2013.

3. On enquiring, the petitioner came to know that the respondents by relying upon the age mentioned in the ration card and voter ID of the petitioner have stopped the payment of pension to the petitioner holding that he has not attained the age of 60 years. According to the



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learned counsel for the petitioner that the correct date of birth is 09.12.1947 and the same was mentioned in the school transfer certificate issued on 08.11.1967. Thereby, he was having more than 60 years as on the date of sanctioning of pension and that stoppage of pension is not proper.

4. Counter affidavit has not been filed by the respondents. Heard both sides and perused the materials available on record.

5. The learned Additional Government Pleader for respondent has submitted that since the petitioner has given incorrect age to obtain the pension and that the petitioner has not attained the age of 60 years and his pension was stopped. The petitioner was admittedly sanctioned pension from 01.04.2012 till 31.03.2013 and was stopped *vide* proceedings dated 24.02.2020.

6. The respondent has not issued any notice to the petitioner prior to stopping of the pension. If at all the respondents gets any information about the petitioner's age, then they should have issued notice to the petitioner directing the petitioner to produce his birth certificate and



other relevant documents to substantiate his date of birth. Instead the respondents, without following the principles of natural justice have suddenly stopped his pension without giving intimation to the petitioner as to why pension was stopped. The petitioner has submitted his transfer certificate issued by the Municipal High School, Cuddalore as a proof for his date of birth to show that his date of birth is 09.12.1947.

7. The respondents have not filed their counter affidavit or any other documents contrary to the documents placed by the petitioner. There is no reason as to why these documents filed by the petitioner could not be accepted as correct. There is no record on which basis the pension of the petitioner was stopped. Even according to the proceedings dated 24.02.2020 issued by the respondent, the petitioner has attained the age of 60 years ago as on the date of filing of this writ petition in the year 2020. The respondent should have restored the pension once he attained 60 years of age as per the respondent proceedings.

8. Considering the above, impugned proceedings dated 24.02.2020 issued by the respondent are set aside. The respondents are also directed to pay the arrears of pension amount from the date of



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stoppage of increment till now and continue to pay the pension as soon as possible not later than six weeks from the date of receipt of a copy of this order.

9. Accordingly, this writ petition is allowed. No costs.

10.06.2024

Vca

Index : Yes/No
Internet : Yes/No
Citation : Yes/No

To,

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2. The Assistant Commissioner of Labour,
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Dr.D.NAGARJUN,J.



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