



W.P.No.35120 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.02.2024

CORAM:

THE HON'BLE MRS.JUSTICE.N.MALA

W.P.No.35120 of 2019

and

WMP.No.35915 of 2019

Tamil Nadu All Sectors Unorganised
Labour Progressive Union,
Regn. No.3284/CNI, (Affiliated with LPF),
Rep. by its District Secretary,
4/114-B, Sri Selvaganapathy Illam,
Karumagoundampalayam,
Thokkavaadi Post, Thiruchengodu Taluk,
Namakkal District. ... Petitioner

Vs.

- 1.State Election Commissioner,
Inner Ring Road, Jai Nagar,
Koyambedu, Chennai – 600 106.
- 2.Commissioner of Labour,
Labour Welfare Building,
DMS Compound,
Chennai – 600 006.
- 3.Secretary,
Tamil Nadu Construction Workers Welfare Board,
8, Valluvar Kottam High Road,
Chennai – 600 034.



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4. Secretary,
Tamil Nadu Manual Workers Social
Security Welfare Board,
G/133, TNHB, Chinthamani Super Market
Commercial Complex,
Anna Nagar East,
Chennai – 600 102.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 to 4 to continue to enroll and register new members to Tamil Nadu Construction Workers Welfare Board and Tamil Nadu Manual Workers Social Security Welfare Board notwithstanding the issuance of election notification for rural local bodies in Tamil Nadu.

For Petitioner : Mr.K.M.Ramesh

For R1 : Mr.S.Sivashanmugam

For R2 to R4 : Mr.P.Sanjay Gandhi
Government Advocate

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ORDER

This writ petition is filed for a writ of direction particularly for a writ of Mandamus, directing the respondents 2 to 4 to continue to enroll and register new members to Tamil Nadu Construction Workers Welfare Board and Tamil Nadu Manual Workers Social Security Welfare Board



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notwithstanding the issuance of election notification for rural local bodies in
Tamil Nadu.

2.It is seen that during the pendency of the writ petition an interim order was passed by this Court on 19.12.2019, on the basis of the submission of the learned counsel for the petitioner that the requisite age criteria for enrolling as a member in the 3rd and 4th respondents Board was between 18 and 60 years and therefore, the third respondent was not justified in issuing a notification that the applications for enrollment of members would not be entertained from 03.12.2019 on the ground of the local body elections, especially, when some of the applicants were likely to reach the age limit in the mean time. Considering the submission of the learned counsel for the petitioner, this Court directed the respondents 3 and 4 to receive the application from the persons intending to become members and keep the same pending without scrutiny until further orders of this Court.

3.It is submitted by the learned counsel for the petitioner that in pursuance of the interim order of this Court physical application forms were submitted and the same were also received by the respondents. The learned counsel therefore states that it would suffice, if a direction is issued to the



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respondents to consider the applications on merits within the time stipulated by this Court.

4.The learned Government Advocate appearing for the respondents 2 to 4 submits that on and from 19.06.2020, fresh applications and on and from 26.08.2020 onwards the renewal applications were mandatorily to be made by online method only.

5.The learned counsel for the respondents therefore submits that in the light of the subsequent developments, the petitioner will have to mandatorily make online application only.

6.I have heard both the learned counsels and I have considered the submissions made by both the learned counsels.

7.It is undisputed that the petitioner has submitted the physical applications in pursuance of the order of this Court dated 19.12.2019 and the same were received by the respondents. But as the learned Government Advocate submits that from the aforesaid dates both the fresh applications as well as the renewal applications have to be made online as per Tamil Nadu



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Information Technology [Electronic Services Delivery Rules] the petitioner is directed to submit the online applications within two weeks from the date of receipt of a copy of this order.

8.It is made clear that the online applications will date back to the application submitted physically. The respondents are directed to consider the applications on merits and in accordance with law, within a period of 8 weeks from the date of receipt of the online applications.

9.With the above directions, this writ petition stands disposed of. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition stands closed.

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Index : Yes / No

Internet : Yes / No

Speaking order/Non-speaking order

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To

1.State Election Commissioner,



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Inner Ring Road, Jai Nagar,
Koyambedu, Chennai – 600 106.

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2. Commissioner of Labour,
Labour Welfare Building,
DMS Compound,
Chennai – 600 006.

3. Secretary,
Tamil Nadu Construction Workers Welfare Board,
8, Valluvar Kottam High Road,
Chennai – 600 034.

4. Secretary,
Tamil Nadu Manual Workers Social
Security Welfare Board,
G/133, TNHB, Chinthamani Super Market
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N.MALA, J.

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