



W.P(MD)Nos.3489, 3491, 5162 & 5182 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)Nos.3489, 3491, 5162 & 5182 of 2017

A.Annamayil
S.Mariyappan
N.Alagu
M.R.Mani

... Petitioner in W.P.(MD)No.3489 of 2017
... Petitioner in W.P.(MD)No.3491 of 2017
... Petitioner in W.P.(MD)No.5162 of 2017
... Petitioner in W.P.(MD)No.5182 of 2017

Vs.

The Labour Officer,
Social Security Scheme,
Madurai.

... Respondent
in W.P.(MD)Nos.3489, 3491 &
5182 of 2017

The Labour Officer,
Social Security Scheme,
Sivagangai District.

... Respondent
in W.P.(MD)No.5162 of 2017

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent's order in Na.Ka.Nos. 73/15, 1488/14, 8441/2015 and Tha.A.U.Sa.No.4/17, dated 30.09.2015, 14.10.2016, 09.01.2017 and 21.02.2017 respectively and quash the same and consequently, to direct the respondent to sanction pension to the petitioners under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 w.e.f., 03.09.2015, 01.07.2014, 02.07.2014 and 01.07.2008 respectively based on the ID Card within the period stipulated by this Court.



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For Petitioner : Mr.A.Haja Mohideen
For Respondent : Mr.P.Thambidurai,
Government Advocate
(in both W.Ps.)

COMMON ORDER

Challenge has been made to the order of the respondents, rejecting the petitioners' application seeking pension on the ground of non-renewal of their registration at the time of attaining the age of 60 years.

2.The learned counsel appearing for the petitioners, relying upon Clause 6 of the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 (hereinafter referred to as 'the said Scheme'), would submit that in the event if there was no renewal of registration by the petitioners, the Labour Officer supposed to send notice for cancellation of registration and thereafter, if there is no application received for renewal, the registration shall be considered as cancelled. However, the respondents have not issued any notice and further, as per G.O.(Ms)No.36, Labour and Employment (I-2) Department, dated 28.02.2011, the requirement of continuous registration for five years was removed. Therefore, the impugned orders, which are passed on the ground of non-renewal of registration, have to be set aside.



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3.The learned Government Advocate appearing for the respondent would submit that since the petitioners have not renewed their registration at the time of attaining the age of 60 years, the impugned orders came to be passed.

4.I have given due consideration to the submissions made on either side and perused the materials available on record.

5.It is to be noted that as per Clause 3 of the said Scheme, every manual worker is entitled to get pension when he / she attains the age of 60 years, but before that he / she has to register his / her name continuously for five years. In the present case, registration was made continuously for five years, but the only thing is that they have not renewed the registration at the age of 60 years. As per Clause 6 of the said Scheme, in the event of failure on the part of the petitioners in renewing the registration, the respondents supposed to send notice and after issuance of notice, if there is no application received, the registration shall be cancelled. In the present case, admittedly, no notice was sent for cancellation. Therefore, the respondents cannot take a stand that the petitioners have failed to file an application for renewal, as the respondents



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failed to send any notice to the petitioners for the purpose of cancellation.

Therefore, the registration of the petitioners holds good and the petitioners are entitled for the pension, when they attained the age of 60 years.

6.Further, as per G.O.(Ms)No.36, Labour and Employment (I-2) Department, dated 28.02.2011, where the the requirement of continuous registration for five years was removed, the petitioners are entitled for pension.

7.In such view of the matter, the impugned orders of the respondents are set aside and the respondents are directed to calculate the pension from the date on which the petitioners attained the age of 60 years till date and pay the same to the petitioners and thereafter, continuously pay pension to the petitioners.

8.With the above direction, these Writ Petitions are allowed. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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1.The Labour Officer,
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2.The Labour Officer,
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KRISHNAN RAMASAMY, J

Yuva

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