



W.P(MD)No.3490 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.11.2024

CORAM :

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.3490 of 2017

Ponnammal

... Petitioner

Vs.

The Labour Officer,
Social Security Scheme,
Madurai.

... Respondent

PRAYER: Writ Petition 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.No.2401/15, dated 22.09.2015 and quash the same and consequently, to direct the respondent to sanction pension under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 to the petitioner w.e.f., 03.09.2015 based on the ID Card within the period stipulated by this Court.

For Petitioner : Mr.A.Haja Mohideen

For Respondent : Mr.P.Thambidurai,
Government Advocate



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ORDER

Challenge has been made to the order of the respondent dated 22.09.2015, where the request of the petitioner seeking pension has been rejected on the ground that the petitioner has enrolled in Farmer Protection Scheme.

2.The learned counsel appearing for the petitioner would submit that the petitioner is entitled for pension for her past services and contribution made to the society in the area of construction as labour. Therefore, citing the present work, pension cannot be stopped.

3.The learned Government Advocate appearing for the respondent would submit that since the petitioner is the member in the Farmer Protection Scheme, her application has been rejected. The same may be taken into consideration and appropriate orders would be passed.

4.I have given due consideration to the submissions made on either side and perused the materials available on record, particularly, the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 (hereinafter, referred to as 'the said Scheme').



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5.As per Clause 3 of the said Scheme, the object of the scheme is to provide welfare measures to the manual workers, who are engaged in construction or maintenance of dams, bridges, roads or in any building operations, which includes pension.

6.In the present case, the petitioner is seeking pension for the work she had already done before attaining the age of 60 years. There is no dispute on the aspect that the petitioner is a manual worker engaged in the activities in terms and conditions as provided in the said Scheme. However, the only objection on the part of the respondent is that the petitioner is a member in Farmer Protection Scheme after attaining the age of 60 years.

7.This Court is of the considered view that the pension is the recognition for the work already the petitioner had done and the contribution already she had made to the society as a manual worker. Therefore, it is immaterial to see as to whether the petitioner is a member of any other schemes, after attaining the age of 60 years. Hence, on this ground, the pension cannot be denied to the petitioner.



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8.In such view of the matter, the impugned order passed by the respondent is liable to be set aside and the same is set aside. This Writ Petition is allowed with a direction to the respondent to calculate pension and pay the same to the petitioner from the date on which he attained the age of 60 years till date and thereafter, to pay pension continuously to the petitioner. No costs.

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(2/5)

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

Yuva

To

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KRISHNAN RAMASAMY, J

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