

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

120

CWP-763 of 2024
Date of Decision: 12.01.2024

Sarabjit Kaur

.... Petitioner

Versus

State of Punjab and others

....Respondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Deepanshu Mehta, Advocate for the petitioner.

SANJAY VASHISTH, J.(Oral)

1. The present petition has been filed by the petitioner-Sarabjit Kaur for seeking issuance of direction to respondents No.2 to 6 (State of Punjab) to release the amount of compensation qua Insurance and Funeral Assistance and Pension including arrears of pension and previously approved claims as she is entitled under the Labour Welfare Schemes approved under Rule 265 of the Punjab Rules 2008 framed under the Building and Other Construction Workers Welfare (Regulation of Employment and Conditions of Service) Act, 1996 for the welfare of construction Workers and their families.

2. While referring to the Scheme framed by State of Punjab i.e. Respondent No.2, counsel for the petitioner submits that with effect from 30.03.2015, an Ex-gratia Scheme has been framed for

awarding of the amount to the construction workers and the dependents, in the eventuality of death or disability of construction worker.

3. In the same policy, under the Welfare Scheme, “financial assistance” for expenditure of cremation and last rites in the State of Punjab, has also been provided, in case of death of a registered construction worker or his family member. Under the Welfare Scheme No.11, there is a pension scheme qua the construction worker after the age of 60 years alongwith the benefit of family pension. Entitlement of the construction worker is by virtue of the provisions of Section 22 of the Building and Other Constructions Workers Welfare (Regulation of Employment and Conditions of Service) Act, 1996 (for short 'the Act, 1996'), whereby State of Punjab has formulated its welfare Scheme.

4. At the very outset, learned counsel for the petitioner submits that Sh. Jang Singh (husband of the petitioner) expired on 02.10.2023 and therefore, in pursuance to the Welfare Scheme floated by the Labour Department of State of Punjab, the application was submitted on 19.10.2023, which was registered on 20.10.2023. Reference is also made to the receipt issued by the Sewa Kendra (Annexure P-1) and submits that other details such as name of the family members etc. have already been supplied, apart from the requisite affidavit.

5. Mr. Deepanshu Mehta, Advocate representing the petitioner submits that in regard to the relief claimed in the present writ petition, already one legal notice dated 26.12.2023 (Annexure P-4) has been served upon the respondents, however, same has not been decided till date. Further submits that in case, some time bound direction is issued to the respondents to decide the claim of the petitioner in regard to the Welfare Scheme framed by the Labour Department of the State of Punjab; for the time being, petitioner would be satisfied with such relief.

6. Notice of motion.

7. On asking of the Court, Mr. Vipin Pal Yadav, Addl. A.G., Punjab appears on behalf of respondents No. 1 to 6 and copy of the paper book has already been supplied to him in advance. After examining the writ petition, learned State counsel submits that in case, the aforesaid legal notice dated 26.12.2023 (Annexure P-4) has been served or received in the concerned office, same shall be looked into and decided in accordance with law by the concerned authority by passing a speaking order.

Learned State counsel does not dispute that the scheme relied upon by the petitioner is a Welfare Scheme and requires to be adhered to urgently for the welfare of the bereaved family.

8. I have heard learned counsel for the parties and perused the paper-book, with the assistance provided by them.

9. Since, petitioner has already served a legal notice dated 26.12.2023 (Annexure P-4) upon all the concerned authorities including respondents No. 2 and 3, without commenting anything on merits of the case, I deem it appropriate to dispose of the instant writ petition by issuing direction to respondent No.3-Labour Commissioner-cum-Member Secretary, Punjab Building and Other Construction Workers Welfare Board, Punjab, to look into, the grievance of the petitioner and after considering its viability, the legal notice dated 26.12.2023 (Annexure P-4) already forwarded to the respondents, be decided by passing a speaking order within a period of four weeks from today.

However, it is hereby clarified that if referred legal notice has not reached to the concerned respondents/authorities, present petition would be treated for the same cause and purpose.

10. Needless to observe that in case petitioner or any of her family member are found to be entitled for any of the relief claimed, no delay would be caused by the authorities or any of the official(s) in extending the benefit and in such situation, it would be appreciated if the petitioner is not forced to approach this Court again for the relief already claimed through the legal notice dated 26.12.2023 (Annexure P-4) from the State of Punjab.

With the aforementioned observations and directions, the present writ petition stands disposed of at this stage.

All pending application(s), if any, shall stand disposed of.

Copy of this order be handed over to the learned
Additional Advocate General, Punjab for necessary compliance within
time frame.

January 12, 2024
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[SANJAY VASHISTH]
JUDGE

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no