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W.P.No.26819 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.12.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.26819 of 2013

Dharumapuri, Krishnagiri, Salem,
Erode Mattrum District Sri Unnamalaiyar
Amaippuchara Mattrum
Kattumana Thozhircangam,
Rep. by its Secretary R. Madhu,
Vadakarai, Thenkaraikottai post,
Dharmapuri.

.. Petitioner

Versus

1. The Government of Tamil Nadu,
Rep. by Secretary to Government,
Labour Welfare Department,
Fort St. George, Chennai – 600 009.
2. The Labour Commissioner,
DMS Compound, Chennai.
3. The Labour Officer,
Social Security Scheme,
Dharmapuri.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari calling for the records of the 3rd respondent pertaining to his proceedings in Na.Ka.No.545/2011, dated 14.03.2012 and quash the same.



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For Petitioner : Mr.M.Selvam

For Respondents : Mr.A.M.Ayyadurai,
Government Advocate for RR-1 to 3

ORDER

This Writ Petition is filed to call for the records of the third respondent pertaining to the proceedings in Na.Ka.No.545 of 2011, dated 14.03.2012 and quash the same.

2. Under the Building and Other Construction Workers' Welfare Cess Act, 1996, cess is imposed on the persons carrying on building and construction activities and out of the fund, Welfare Scheme is framed for the benefit of the construction workers, whereby, the compensation and death benefits etc., are being granted. While so, the allegation against the trade union is that it made false claims of death resulting in the Welfare Board granting monies on account of these false claims duly certified by the office bearers of the trade union. After noting the same, individual orders were passed suspending the operations of the trade union by the Labour Officer in charge the scheme. In some cases, other actions, such as removal of labour representatives were also taken. Challenging the same, this Writ Petition is filed and an interim order is also granted.



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3. When the matter came up for hearing, the learned Counsel for the petitioner also places on record the judgment, dated 30.08.2013 made in W.P.(MD).No.7495 of 2013, whereby, this Court took into account the fact that the suspension was long pending and after the order of interim stay granted by this Court, the trade union functioned as usual and recording the same, the Writ Petition was disposed of. The learned Counsel for the petitioner seeks for similar orders.

4. However, it must be seen that the very Act itself is now substituted under the Code on Social Security, 2020. A new scheme may be framed or the existing scheme itself may be continued. It is for the Welfare Board which is administering the fund to verify each and every claim that is made before releasing the fund. Since the impugned order in this Writ Petition is only in the nature of temporary suspension of operation, it may not be justifiable to continue the same even after 13 years as we are now in the year 2025. As such, the impugned order of suspension of the activity of this union shall be treated as inoperative and need not be continued. However, it is for the authorities to take any action in accordance with law for any false claim that is made or any charge that they are going to level against anybody



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and pass final orders. As far as this trade union is concerned, in view of the new Code coming into force, it is for the Welfare Board, its authorities and the Labour Officer to decide whether they are still going to take the help of the present trade union or not in accordance with law.

5. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs.

04.12.2025

Neutral Citation : no
grs

To

1. The Secretary to Government,
Labour Welfare Department,
Fort St. George, Chennai – 600 009.
2. The Labour Commissioner,
DMS Compound, Chennai.
3. The Labour Officer,
Social Security Scheme,
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D.BHARATHA CHAKRAVARTHY, J.

grs

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