



W.P.No.42035 of 2025
and W.M.P.No.47085 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2025

CORAM

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.42035 of 2025
and
W.M.P.No.47085 of 2025

Meena

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Principal Secretary to Government,
Labour and Employment Department,
Fort St. George, Chennai – 600 009.

2.The Commissioner of Labour,
Labour Department,
Teynampet, Chennai – 600 006.

3.The Assistant Commissioner of Labour,
Tamil Nadu Construction Worker Welfare Board,
(Social Security Scheme),
Salem – 636 005.
Salem District.

4.The Tamil Nadu Unorganized Worker Welfare Board,
Rep by its Chairman / Secretary,
RR Complex, Anna Street,
Gandhi Nagar, Avadi,
Chennai – 600 054.

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5.The Administrative Officer,
The Tamil Nadu Construction Worker Welfare Board,
No.8, Valluvar Kottam High Road,
Nungambakkam, Chennai – 600 034.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned rejection order passed by the fourth respondent dated 09.10.2024 in Ref: Nil, which has been uploaded in the website and quash the same and consequently direct the respondents to disburse the death compensation a sum of Rs.5,00,000/- for the death of petitioner's husband in accordance with Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme to her as per the claim application vide TNUWWB0008528440.

For Petitioner : Mr.S.Elayathamizhan
For R1 to R3 : Mr.S.Senthilmurugan
Special Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the fourth respondent dated 09.10.2024, quash the same and consequently direct the respondents to disburse the death compensation of a sum of Rs.5,00,000/- for the death of the petitioner's husband in accordance with the Tamil Nadu Manual Workers



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(Construction Workers) Welfare Scheme to her vide the application bearing number
TNUWWB0008528440.

2. The learned counsel for the petitioner submits that the grievance of the petitioner is that the petitioner's husband Kumar went for the construction works with reference to drilling and demolishing works along with the co-workers in the bridge at Swarnapuri Bharathi Street, Omalur Main Road, Salem city. During the course of the work, due to collapse of the structure, the petitioner's husband died on 31.08.2020 at 6:30 PM. On the same day, a case was also registered in Crime No.1132 of 2020 by the Fairlands Police Station for the alleged offence under Section 304-A IPC. Thereafter, when an application is made for grant of benefit under the scheme framed under the Act namely the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, for grant of death benefit for a sum of Rs.5,00,000/- to the nominees of the family of the deceased construction worker, the same was rejected by the impugned order. The petitioner's husband is a construction worker and being the welfare scheme, the same should not have been rejected. The term manual worker includes the hammer man in S.No.16 and other categories of workers involved in any building operations and therefore the 4th respondent is not correct in rejecting the



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plaint. As a matter of fact, the petitioner's claim should also been allowed by referring

to G.O.Ms.No.67 dated 06.05.2021, but however it is rejected.

3. *Per contra*, learned counsel appearing on behalf of the 4th respondent would submit that it is true that upon perusal of the First Information Report it can be seen that the petitioner's husband being a manual worker died by way of an accident in the course of the employment, however the benefits have to be disbursed as per the scheme. Even though the scheme was originally framed in the year 1994 vide G.O.Ms.No.198 dated 04.10.1994. Only on 09.06.2021 the G.O.Ms.No.67 dated 06.05.2021 was notified in the Tamil Nadu Government Gazette No.23, whereby the expression 'demolition' was also included in the scheme document and only from the said date i.e. from 09.06.2021 the 4th respondent board is empowered to grant compensation for the manual workers, who died during the course of demolition. In this case, the death happened prior to the amendment and as such is not covered under the scheme.

4. I considered the rival submissions made on either side and perused the material records of the case.



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5. There is no dispute with reference to the facts that the petitioner's husband was a worker involved in the demolition of the structure concerned and he died during the course of the said employment. In this regard, it is relevant to note the definition of the term “manual worker” that is contained in the Act and the same is extracted here under for ready reference:

Section 2(10) in Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982

“(10)"manual worker" means a person who is engaged or to be engaged directly or through any agency, in any scheduled employment whether for wages or not, to do manual work in any scheduled employment, and includes any person not employed by any employer or a contractor, but working with the permission of, or under agreement with the employer or contractor and a person who is given raw materials by an employer or a contractor for making or altering or for any work, [and a person who directly engages himself in any scheduled employment, but does not include any member of the family of an employer or any employee who is in the enjoyment of benefits by or under the Employees' State Insurance Act, 1948 (Central Act XXXIV of 1948) or the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (Central Act XIX of 1952)] [Substituted for the words 'and registered as such manual workers under this Act, but does not include any member of the family of an employer' by the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Amendment Act, 1998 (Tamil Nadu Act 60 of 1998).]; ”



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6. The scheme was framed under the Act. It can be seen that this scheme also contained the definition of the word “manual worker” in clause 2C and the same is extracted hereunder :

"Manual Worker" means any person who has completed [eighteen years] of age but has not completed sixty years of age and who is engaged to do any manual work in construction or maintenance of dams, bridges, roads or in any building operations [or stone breaking or stone crushing or construction of pandals or brick manufactory other than the brick manufactory under the Factories Act, 1948 (Central Act 63 of 1948) as a worker falling under any one of the classes of workers specified in Schedule I ;"

7. The schedule enlists several types of workers which includes hammerman at Entry 16 and Entry 36 also contains that any other category of workers who are actually engaged in the employment of construction or maintenance of Dams, Bridges, Roads or any Building Operation. Therefore, the term construction cannot be pedantically construed to mean only the making and not making the place ready by demolishing the existing structure.



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8. As a matter of fact, Section 5 of the Act empowers that whenever any question arises as to whether the scheme applies to any class of manual workers or employees, the same shall be referred to such authority and after consultation with the advisory committee, such authority shall answer the question. Section 4 is extracted hereunder for ready reference.

“4. Disputes regarding application of the scheme. ----- If any question arises whether any scheme applies to any class of manual workers or employers, the matter shall be referred to such authority as may be prescribed in this behalf and the decision of such prescribed authority made after consultation with the Advisory Committee on the question shall be final.”

9. In this regard, it can be seen that the amendment was notified by G.O.Ms.No.67 dated 06.05.2021 the same reads as follows:

No.II(2)/LE/326/2021 – In exercise of the powers conferred by Section 4 of the Tamil Nadu Manual Workers (Regulation of Employment and Conditions of Work) Act, 1982 (Tamil Nadu Act 33 of 1982), the Governor of Tamil Nadu, after consultation with the Advisory Committee, hereby makes the following amendments to the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994, namely :-



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AMENDMENTS

In the said Scheme :-

(1) in clause 2, in sub-clause (c), for the expression “construction or maintenance of dams, bridges, roads”, the expression “construction or maintenance or demolition of dams, bridges, roads’ shall be substituted;

(2) in SCHEDULE I, after Serial Number 53 and the category relating thereto, the following shall be added namely :

“54. Demolition worker engaged in dams, bridges, road or any other building”

10. Thus it can be seen that after consultation with the advisory committee, the amendment came into vogue. If the contents of the amending G.O. along with Section 5 and the beneficial purpose with which the enactment is legislated is read together, it can be seen that the amendment is nothing but clarificatory. The amendment only clarifies the existing position and therefore the stand taken by the 4th respondent that it will only apply prospectively cannot be sustained.

11. It is now settled law that any clarificatory amendment will have retrospective effect and will be applicable for the cases pending also. In view thereof, the 4th respondent is not right in rejecting the claim. Accordingly this Writ Petition is allowed on the following terms:



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i. The impugned order dated 09.10.2024 shall quashed.

ii. The 5th respondent is directed to disburse the death compensation being a sum of Rs.5,00,000/- within a period of eight weeks from the date of receipt of the web copy of the order without waiting for the certified copy of the order.

iii. It is made clear that if the payment is not made within eight weeks, thereafter, it will carry interest at the rate of 9% per annum from the date of the order till date of disposal.

iv. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

09.12.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
Neutral citation : Yes
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