



W.P.(MD)Nos.21231 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.21231 of 2016

S.Subramani

... Petitioner

Vs.

The Labour Welfare Officer,
Social Security Scheme,
Madurai District, Madurai.

... Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent's order in Na.Ka.No.15298/2015 dated 16.10.2015 and to quash the same and consequently direct the respondent to sanction the death benefit to the petitioner for the death of his son Mr.Sekar, 22LULC191985, under the Tamil Nadu Manual Workers (Construction Workers), Welfare Scheme, 1994 within the period stipulated by this Court.



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For Petitioner : Mr.A.Jaja Mohideen

For Respondents : Mr.S.Shanmugavel,
Addl. Govt. Pleader

ORDER

The brief facts that are relevant for disposal of this Writ Petition are as under:

The son of the petitioner herein was registered under the Tamil Nadu Manual Workers (Construction Workers) Welfare Scheme, 1994 [hereinafter referred to as “the Scheme 1994”] issued in G.O.Ms.No.198, Labour and Employment, dated 04.10.1994 with registration No.22LULC191985 as a Tricycle Puller and he was also issued an identity card to that effect. In terms of the said Scheme 1994, the son of the petitioner is entitled for several sources of security benefits and the dependants of the registered workers are also entitled for certain benefits including the death benefits. The son of the petitioner, after having registered under the Scheme 1994, met with an accident on 28.07.2013



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and died on the spot. Thereafter, the petitioner made a claim for payment of death benefits of his son before the respondent. However, the respondent, by issuing the impugned proceeding dated 16.10.2015, rejected the claim of the petitioner on the ground that the occupation of the son of the petitioner was mentioned as Mason in the FIR as against the occupation registered under the Scheme 1994 as Tricycle Puller. In view of the said discrepancy in the occupation of the deceased son of the petitioner, the claim of the petitioner was rejected by the respondent. Aggrieved by the said rejection order dated 16.10.2015, the petitioner approached this Court by filing the present Writ Petition.

2. The basis for the respondent to conclude that there is a confusion about the occupation of the petitioner is the entry made in the First Information Report registered on the death of the deceased son of the petitioner. The said information about the death of the son of the petitioner was furnished by a third party at the time of registering FIR on the demise of the son of the petitioner



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herein. In the absence of any dispute about the registration of the petitioner's son under the Scheme with identity No.22LULC191985, the mere entry made in the first Information Report with reference to the occupation of the deceased son of the petitioner can never be the basis to create confusion on the occupation of the son of the petitioner. Once the name of the son of the petitioner was admittedly registered under the Scheme 1994 and he was also issued with appropriate identity card, the respondent in all fairness ought to have processed the claim of the petitioner for payment of compensation on the death of his son, who was registered as a Tricycle Puller under the Scheme 1994. The reasoning assigned in the impugned order by placing reliance on the entry made in the First Information Report cannot be taken into consideration for any purpose as the entry made in the First Information Report not conclusive and they are subject to proof before the competent Court.

3. In the light of the above, the reasoning assigned in the impugned order cannot be sustained and accordingly, the impugned order is set aside and the respondent is directed to process the claim of the petitioner for payment of



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death benefits of the deceased son of the petitioner with registration No.22LULC191985 under the Scheme 1994 and pay the compensation for which the petitioner is entitled to, within a period of six weeks from the date of receipt of a copy of this order.

4. Accordingly, this Writ Petition is allowed. There shall be no order as to costs.

06.02.2025

Neutral Citation: Yes / No
Index : Yes / No

vsm

To

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