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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 2080/2024& CM APPL. 8634/2024**

RAJA RAM

.....Petitioner

Through: Mr. Chirayu Jain, Ms. Raksha
Awasya, Advs., Adv. Tanishqua Dhar
versus

**DELHI BUILDING AND OTHER CONSTRUCTION WORKERS
BOARD**

.....Respondent

Through:

**CORAM:
HON'BLE MR. JUSTICE AMIT SHARMA**

ORDER

26.11.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Article 226 of the Constitution of India, 1950 seeks the following prayers:-

“a. Issue a writ of mandamus or any other appropriate writ order or direction in the nature of a writ setting aside/quashing the Impugned Rejection Order dated 26.12.2023 passed by the Respondent;

b. Direct the Respondent Board to release the Pensionary dues of the Petitioner with penal interest @18% per annum;

c. Direct the Respondent Board to initiate and conduct the inquiry against all the errant officers and employees, whether permanent or contractual, as under Delhi (Right to Citizens to Time Bound Delivery of Services) Act, 2011;

d. Direct the Respondent to review all the rejected claim applications filed by the workers under the the Building and Other Construction Workers Act, 1996 and disburse the claim amounts along with interest wherever the claims have been wrongly rejected due to erroneous application of Section 17 of the Act;

e. Direct the Respondent to pay costs;

Pass any other order or grant any other relief as it may deem fit.

FOR THIS ACT IF KINDNESS THE PETITIONER AS IN DUTY



BOUND TO EVER PRAY.”

3. Petitioner, who used to work as *mason* worker, was registered with respondent-Board with registration No. 7121114689. The petitioner had since been regularly renewing his registration each year as per Building and other Construction Workers (Registration of Employment and Condition of Service) Act, 1996, (for short, ‘BOCW Act’) till 2018 and had paid his contribution on 26.02.2018 and renewed his membership till 22.11.2018. The petitioner got superannuated on 31.12.2018 and became eligible for pension as per provision of BOCW Act and Rules framed thereunder. The petitioner submitted his application for pension which was received by respondent on 16.05.2023. The respondent-Board *vide* impugned order dated 26.12.2023 rejected the petitioner’s application for pension on ground that the petitioner had paid subscription for Labour Card renewal uptill 22.11.2018 only, and hence, defaulted in paying the renewal subscription as per the Rules of BOCW Act and has thus, not entitled to avail benefits under the pension scheme as he has not paid contribution under Section 16(1) of the BOCW Act for a period of more than one year.

4. Learned counsel for the petitioner relies on the judgment of learned Division Bench in **National Campaign Committee for Central Legislation on Construction Labour v. Delhi Building and Other Construction Workers Board, 2024: DHC: 1461-DB**, to contend that the benefit of pension cannot be denied on the ground of worker failing to pay contribution to renew his/her registration after validity of his/her registration has come to an end as it has been held that the worker shall continue to be entitled to benefits under the Act for a period of one year from the date he/she is liable to pay fresh contribution as per Section 16 of the BOCW Act and the unpaid



contribution from the date the same became due shall be adjusted against the benefit due and payable to the construction worker.

5. Notice was issued to the respondent on 13.02.2024 and two weeks' time was given for filing counter affidavit. Thereafter, on 22.07.2025 before learned Registrar, learned counsel for the respondent had submitted that they did not wish to file any counter affidavit.

6. Heard learned counsel for the petitioner and perused the record.

7. Learned Division Bench in **National Campaign Committee for Central Legislation on Construction Labour (*supra*)** has observed and held as under: -

“8. Since the present case involves the interpretation of Section 17 of the Act, 1996, it is reproduced hereinbelow:-

“17. Effect of non-payment of contribution.—When a beneficiary has not paid his contribution under sub-section (1) of section 16 for a continuous period of not less than one year, he shall cease to be a beneficiary:

Provided that if the Secretary of the Board is satisfied that the non-payment of contribution was for a reasonable ground and that the building worker is willing to deposit the arrears, he may allow the building worker to deposit the contribution in arrears and on such deposit being made, the registration of building worker shall stand restored.”

9. Upon a reading of the said provision, this Court is of the opinion that the interpretation adopted by the Delhi BOCW Board is contrary to the mandate of the statute and settled principles of law.

10. On a plain reading of the provision, it is evident that a worker under the Act, 1996 ceases to be a beneficiary upon his failure to pay his contribution under Section 16 of the Act, 1996 for a period of not less than one year. The proviso thereto empowers the Secretary of the



Board to restore the registration of a worker subject to conditions mentioned in the proviso.

11. Even otherwise, it is trite law that legislations which are aimed at social and economic welfare of a class of people should be interpreted widely and liberally. If a provision in a beneficial legislation is reasonably capable of two constructions then that construction should be preferred which furthers the object of the legislation and is more beneficial to those in whose interest the legislation has been passed. [See: *Bangalore Water Supply & Sewerage Board vs. R. Rajappa* (1978 3 SCR 207)].

12. The Act, 1996 has ostensibly been enacted for the welfare of construction workers and to provide for their safety, health and welfare measure. Therefore, any interpretation which results in denial of beneficial measures to these workers will not only run afoul of the intended legislative objective but also settled principles of law.

13. This Court is of the view that denial of benefits by Delhi BOCW Board on the ground that the applicant-worker has failed to pay contribution to renew his/her registration after the validity of his/her registration has come to an end is incorrect. This Court holds that the worker shall continue to be entitled to benefits under the Act for a period of one year from the date he/she is liable to pay fresh contribution as per Section 16 of the Act, 1996. The unpaid contribution from the date it became due shall be adjusted against the benefit due and payable to the construction worker.

14. However, this Court is in agreement with the submission of learned counsel for the respondent that for payment of any benefit under the Act, 1996, Section 14(1) shall have to be complied with i.e. the construction worker would have to be engaged in building and other construction work for at least ninety days in a year. Consequently, this Court disposes of the present writ petition by directing the respondent-Board to re-consider all the rejected/cancelled/temporary closed/deficiency memo/objection/welfare claim applications both in the offline and online mode as expeditiously as possible in accordance with the aforesaid interpretation of Section 17 of the Act, 1996.



15. To make the aforesaid exercise meaningful, this Court directs that the details of all the workmen (including the details of deficiency memo and/or rejected orders) whose claims have not been sanctioned shall be forwarded to the petitioner through email. The petitioner is directed to provide the said email address to the respondent within one week. With the aforesaid declaration and directions, present writ petition stands disposed of.”

(emphasis supplied)

8. In view of the aforesaid observations of learned Division Bench, it is evident that the cessation of a beneficiary is governed by Section 14 of the BOCW Act and unless, the petitioner is ceased to be a beneficiary or is subject to the contingencies provided in Section 14, the entitlement of the petitioner to pensionary benefits cannot be denied.

9. It is a matter of record that the petitioner attained the age of 60 years on 31.12.2018, and had paid subscription for Labour Card renewal uptill 22.11.2018.

10. In view of the above facts and circumstances, the petition is allowed and the impugned rejection order is set aside.

11. The Respondent is directed to consider within six weeks, the petitioner’s case for pension in view of the observations made by learned Division Bench in **National Campaign Committee for Central Legislation on Construction Labour (*supra*)**.

12. The petitioner is at liberty to produce all relevant documentation before the competent authority as may be required in law for the purposes of disposal of this claim for grant of pensionary benefits.

13. Pending application(s), if any, also stand disposed of.



14. Order be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA, J

NOVEMBER 26, 2025/kr/ns