

Hon'ble Sharad Kumar Sharma, J.

Mr. B.S. Koranga, Advocate holding Brief of Mr. Vikas Anand, Advocate for the petitioner.

Mr. Paresh Tripathi, Chief Standing Counsel alongwith Mr. Anurag Bisaria, Standing Counsel for the State.

The State has framed a scheme for the welfare of the registered labours working under MANREGA scheme. The said scheme has been framed under an Act called as Building and other construction workmen (Regulation of Employment and condition of Service) Act, 1996. According to the petitioner, who is a widow, she submits that on the death of her husband, late Shakeel Ahmed who was registered with the Department of Labour as a construction worker on 27.12.2016 bearing registration number LEO/KCH/2210. She was entitled for the benefit of sum of Rs. 2 lacs under the scheme which was not paid to her, hence she represented for purpose of claiming the benefit under the said scheme after the demise of her husband on 13.01.2017. She has represented her claim on 10.06.2017. Thereafter, a reminder was submitted on 27.07.2017 but no decision has been taken as on the same till date. Looking to the effect that by virtue of representation she was enforcing the administration/respondents to accept

her claim, provided under a scheme framed under the Act it ought to have been decided by the respondents within reasonable time being a welfare scheme because it is a scheme for the benefit of widows of the workmen.

In that view of the matter, the respondent/ competent authority is directed to take a decision on the representation of the petitioner within a period of four weeks from today, subject to the above observation, the Writ Petition is disposed of.

At this stage, learned counsel for the respondents submits that the observation made by this Court that the amount is admissible would amount to be a positive direction, of entitlement under the scheme, this is not to be construed that the Court has passed a positive order but the fact remains that since being a beneficial legislation it has to be liberally understood by the respondents, while deciding the representation.

(Sharad Kumar Sharma, J.)

28.03.2018
pankaj/ sukhbant