

No	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGES'S ORDERS
			<p>WPMS No.1732 of 2024 WPMS No.1734 of 2024 WPMS No.1744 of 2024 WPMS No.1745 of 2024 WPMS No.1746 of 2024 WPMS No.1753 of 2024 WPMS No.1754 of 2024 WPMS No.1757 of 2024 WPMS No.1759 of 2024 <u>Hon'ble Manoj Kumar Tiwari, J.</u></p> <p>Mr. B.S. Koranga, Advocate for the petitioner.</p> <p>Mr. Anil Kumar Dabral, Additional C.S.C. and Mr. Suyash Pant, Standing Counsel for the State of Uttarakhand.</p> <p>Mr. Rahul Consul, Advocate for Sachiv Bhavan Evam Anya Sannirman Karmakar Kalyan Board, Dehradun.</p> <p>2. Since common questions of law and fact are involved in these writ petitions, therefore they were heard together and are being decided by a common judgment. However, for the sake of brevity, facts of Writ Petition (M/S) No.1732 of 2024 alone are being considered and discussed.</p> <p>3. By means of this writ petition, petitioner has sought the following relief:</p> <p>"i) To issue a writ order and direction in the nature of Mandamus directing and commanding the Respondents to consider the case of the petitioner for releasing Rs.3,00,000/- in favor of the petitioner under the Building and other construction workmen (Regulation of employment and conditions of service) scheme without any technical objection."</p> <p>4. According to petitioner, she is</p>

		<p>dependent of Shri Sanju Kumar, who was registered as Construction Worker under Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, who died on 14.02.2023. Petitioner applied for death claim available to dependents of Construction Workers under Uttarakhand Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2005, as amended from time-to-time. As per the said Rules, dependents of Construction Workers are entitled to death claim upto ₹3,00,000/-. Since decision has not been taken on the application made by petitioner, therefore, she has approached this Court.</p> <p>5. Learned counsel for the petitioner submits that date of making application for death claim by the petitioner is 27.09.2023. Thus, he submits that the application was made within time stipulated for the purpose.</p> <p>6. Mr. Rahul Consul, Advocate refers to Rule 279 of the aforesaid Rules, which reads as under:</p> <p>“279. Application for Assistance on Death.-(1) A nominee who is entitled to Death Assistance under this rule shall submit to the Secretary or any other officer authorised by him an application in Form No. XXXVII. A certificate regarding the death/accident death issued by a Government doctor shall be produced along with the application and other documents specified by the Board.</p> <p>(2) The Secretary or the officer authorised by him may on receipt of the application conduct an enquiry with regard to the eligibility of the applicant.</p> <p>(3) If the Secretary or the officer authorised by him is satisfied that the person who has applied for financial assistance is entitled for such assistance he</p>
--	--	--

			<p>may sanction the amount.</p> <p>(4) The sanctioning authority shall maintain a register for this purpose in Form No. XXXVIII.</p> <p>(5) A person aggrieved by any decision taken under sub-rule (3) may file an appeal before the Board within sixty days from the date of receipt of the order under that sub-rule and the decision of the Board thereon shall be final.”</p> <p>7. Mr. Rahul Consul, Advocate submits that death claim can be released only after due enquiry.</p> <p>8. Since application made by petitioner is pending for last more than 10 months, therefore, the writ petitions are disposed of with a direction to respondent no.2 to take decision on petitioner’s application for death claim within a period of four months’ from the date of production of certified copy of this order.</p> <p style="text-align: right;">(Manoj Kumar Tiwari, J.) 28.06.2024</p> <p>Arpan</p>
--	--	--	---