
(2024) 10 UK CK 0052

Uttarakhand High Court

Case No: Writ Petition (M/S) No. 2811, 2812, 2818, 2820, 2822, 2826 Of 2024

Maya Kaur & Others

APPELLANT

Vs

State Of Uttarakhand & Others

RESPONDENT

Date of Decision: Oct. 16, 2024

Acts Referred:

- Uttarakhand Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Rules, 2005 - Rule 279

Hon'ble Judges: Pankaj Purohit, J

Bench: Single Bench

Advocate: B.S. Koranga, K.K. Shah, Suyash Pant, Pawan Sanwal

Final Decision: Disposed Of

Judgement

Pankaj Purohit, J

1. Since common questions of law and fact are involved in these writ petitions, therefore, they are heard together and are being decided by a common

judgment. However, for the sake of brevity, facts of WPMS No.2811 of 2024 alone are being considered and discussed.

2. By means of this writ petition, petitioner has sought the indulgence of this Court for a direction to the respondents to consider the case of the

petitioner for releasing Rs.3,00,000/- in favour of the petitioner under the Building and other construction workmen (Regulation of Employment and

conditions of service) scheme without any technical objection.

3. According to petitioner, she is dependent of Shri Makkhan Singh, who was registered as Construction Worker under the Building and Other

Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, who died on 06.07.2021. 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 Rs.3,00,000/-. Since decision has not been taken on the application made by the petitioner, therefore, she has approached this Court.

4. Learned counsel for the petitioner submits that date of making application for death claim by the petitioner is 07.10.2021. Thus, he submits that the application was made within time stipulated for the purpose.

5. Learned counsel for respondent no.2 refers to Rule 279 of the aforesaid Rules, which reads as under:

â€œ279. 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 authorized 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.

(2) The Secretary or the officer authorized by him may on receipt of the application conduct an enquiry with regard to the eligibility of the applicant.

(3) If the Secretary or the officer authorized by him is satisfied that the person who has applied for financial assistance is entitled for such assistance he may sanction the amount.

(4) The sanctioning authority shall maintain a register for this purpose in Form No.XXXVIII.

(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.â€

6. Learned counsel for respondent no.2 further submits that death claim can be released only after due enquiry.

7. Since application made by the petitioner is pending since long, therefore, the writ petitions are disposed of with a direction to respondent no.2 to take decision on the petitioner's application for death claim within a period of four months from the date of production of certified copy of this order.
8. Pending applications, if any, stand disposed of accordingly.