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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 3001/2020 & CM No.10409/2020**

JAI PAL & ORS

..... Petitioners

Through: Ms.Shyel Trehan, Mr.Chirayu Jain
and Mr.Rohan Poddar, Advs.

versus

DELHI BUILDING AND OTHER CONSTRUCTION
WORKERS WELFARE BOARD

..... Respondent

Through: Mr.Sanjoy Ghose, ASC with
Ms.Urvi Mohan, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
22.05.2020

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1. This hearing has been held by video conferencing.
2. At the outset, the learned counsel for the petitioners submits that majority of the grievances raised by the petitioners have been addressed by the Division Bench of this Court in its order dated 20.05.2020 passed in W.P.(C) 2991/2020, Sunil Kumar Aledia vs. Govt. Of NCT of Delhi & Ors.
3. The learned counsel for the petitioners further submits that while the petitioner no. 4 has received the pensionary benefits after the filing of the petition, however, so far as the other 118 workers similarly situated, details of whom were provided to the respondent no. 1 pursuant to the order dated 27.04.2020 of this Court, the Status Report filed by the respondent no.1 discloses that the status of the applications of 91 workers could not be ascertained as their files are lying in the concerned district office(s).

4. Keeping in view the hardship that must presently be faced by these workmen due to the Covid-19 pandemic, the respondent no. 1 is directed to expedite the process of scrutinizing the applications of these 91 workers and take a decision thereon, positively within a period of four weeks from today. In case these workers are found entitled to the pensionary benefits, the same be released to these workers within the same period. For the workers who are not found eligible, the respondent no.1 shall communicate the reasons for rejection of their applications to such workers and supply a copy thereof to the learned counsel for the petitioners, who may take it up with such workers for further course of action.

5. The learned counsel for the petitioners further submits that with respect to the 7 (seven) workers, details of whom had been supplied by the learned counsel for the petitioners, the Status Report supplied by the respondent no.1 records that their application has been rejected on the ground of age difference in their Voter ID Card, Aadhar Card and Bank Passbooks. She prays that such workers be granted an opportunity of filing further documents/representations before the respondent no. 1 to justify their claim.

6. Keeping in view the nature of the objection raised by the respondent no.1 as also the submission made by the learned counsel for the petitioners, it is directed that the respondent no.1 shall grant an opportunity to such workers to produce further documents/make representation to the respondent no. 1 in support of their claim. For this purpose, the respondent no.1 shall call upon such workers to appear before the concerned officer to produce such documents/representation. Notice of such hearing, apart from being directly communicated to such

workers, should also be sent to the learned counsel for the petitioners who undertakes to communicate the same to the concerned workers.

7. The Status Report further reflects the remark “File already Sanctioned by RTGS not proceed” for 3 (three) workers. The learned counsel for the respondent no. 1 submits that there could be various reasons for non-payment of the pensionary benefits to such workers, however, she presently does not have full instructions on the same.

8. The respondent no.1 is directed to release the pensionary benefit to such workers, if already sanctioned by it, within a period of two weeks from today. In case the same cannot be paid for any reason such as discrepancy in the bank account details etc, the respondent no.1 shall communicate such reasons to the learned counsel for the petitioners who has been requested to coordinate the release of payment with the respondent no. 1 and such workers.

9. As far as 17 other workers are concerned, the learned counsel for the petitioners submits that she has presently not received any instructions from them regarding receipt of the pensionary benefits. She prays for further time to seek such instructions.

10. At this stage, I may note that the learned counsel for the respondent no.1 has submitted that the delay in processing of the files is also taking place because of lack of adequate staff/officers in the respondent no.1.

11. Keeping in view that the claim in the present petition is for the lowest strata of the society who are most affected by Covid-19 pandemic and the consequent lockdown, it is hoped that the respondent no.2 shall ensure that adequate staff /officers are provided to the respondent no.1 to carry out the process of verification of the pending applications as also the new applications that would be received by it for grant of the benefits

under the Scheme announced for the workers by the respondent no.2, as expeditiously as possible. For this purpose, the Delhi State Legal Services Authority is also requested to provide necessary assistance to the workers as also to the respondent no.1 in the process of verification.

12. A copy of this order be communicated to the Secretary, Delhi State Legal Services Authority for information and necessary action thereon.

13. List on 13th July, 2020 for reporting compliance.

The order shall be uploaded on the website and shall also be provided to the learned counsels on the e-mail address provided.

NAVIN CHAWLA, J

MAY 22, 2020

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