

(2023) 05 DEL CK 0374

In the Delhi High Court

Case No : Civil Writ Petition No. 12826 Of 2022

Reeta Devi

APPELLANT

Vs

Delhi Building And Other Construction Workers Board & Anr.

RESPONDENT

Date of Decision : 29-05-2023

Acts Referred:

Delhi Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002 — Rule 277, 279

Citation : (2023) 05 DEL CK 0374

Hon'ble Judges : Prathiba M. Singh, J

Bench : Single Bench

Advocate : Chirayu Jain, Sakshi Dewangan, Abhay Dixit, Ankit Kumar, Avni Singh

Final Decision : Disposed Of

Judgement

Prathiba M. Singh, J

1. This hearing has been done through hybrid mode.

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2. The Petitioner is the widow of Late Sh. Sarwan Sahu who was a construction worker. He passed away on 14th November, 2018. The prayer in the present petition is for the issuance of directions to the Delhi Building and Other Construction Workers Welfare Board (hereinafter 'the Board') for releasing death and funeral benefits applicable under Rule 277-279 of the Delhi Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2002 (hereinafter 'the Rules').

3. The deceased worker had registered with the Board on 9th June, 2016 and had paid the membership fee till 8th June, 2018. He passed away on 14th November, 2018. The death and funeral benefits in terms of Rules 277-279 of the Rules are being sought. The application for the same was filed on 2nd July, 2019 by the Petitioner. A deficiency letter dated 27th August, 2021 was issued by the

Board, to which, a reply was furnished on 24th February, 2022. However, since the benefits have not been released, the present petition has been filed.

4. Mr. Dixit, Id. Counsel appearing for the Board submits that death and funeral benefits have already been sanctioned vide sanction letter dated 6th February, 2023. However, Mr. Jain, Id. Counsel appearing for the Petitioner submits that no amount has been received.

5. Since the amounts are stated to have already been sanctioned, insofar as interest is concerned, in terms of the recent decision of the Id. Division Bench of this Court dated 17th April, 2023 in LPA 209/2023 titled *Rajo v. Delhi Building and Other Construction Workers Welfare Board & Anr.*, the Petitioner would be entitled to interest with effect from 24th February, 2022 at the rate of 6%. The relevant observations of the Id. Division Bench's order are set out below:

"12. As regards the alleged delay on the part of the respondent no.1 in processing the appellant's application for pension, it is pertinent to note that even though the appellant completed sixty years of age/superannuated on 01.01.2021, she submitted the application for sanction of pension only on 08.02.2022 i.e. more than 13 months after attaining the requisite age. It is also a matter of record, as noticed in the impugned judgment that the respondent no. 1 vide its letter dated 06.07.2022 pointed out certain deficiencies in the said pension application. The communication expressly referred to the fact that the labour card of the appellant was valid only till 13.12.2020. The said communication also requested the appellant to appear before the concerned Deputy Secretary (District-South), Delhi and provide necessary clarifications. This communication was responded to by the appellant on 05.08.2022. Thereafter, the respondent no. 1 sanctioned the pension on 06.01.2023. As rightly observed in the impugned judgment, it was only after the requisite information was provided by the appellant on 05.08.2022, that the appellant's application for grant of pension could be processed. In view of the sequence of events and the factual position as emerges from the record, it cannot be said that the impugned judgment has incorrectly computed the period for which interest has been held to be payable.

13. The impugned judgment, taking into the account that the relevant rules do not provide any timeline within which an application for pension is to be processed, proceeded on the basis that the period of 45 days can be taken as a reasonable period for the respondent no.1 board to process the appellant's application for grant of pension. On that premise, the appellant has been granted interest @ 6% per annum on the delayed amount of pension w.e.f. 21.09.2022 (after excluding 45 days w.e.f. 05.08.2022). No fault can be found with the directions contained in the impugned judgment which are based on the peculiar facts and circumstances of the present case. "

6. Considering the nature of this case, nominal costs of Rs. 2,000/- are awarded in favour of the Petitioner. The interest shall be payable from the expiry of 45

days when the deficiency was complied with by the Petitioner. The payments be released in terms of the sanction along with today's order by 1st July, 2023. If the requisite sanction and release of benefits is not undertaken by the Board by 1st July, 2023, 6% interest shall be applicable w.e.f. 2nd July, 2019, i.e., the date of application for death and funeral benefits.

7. Petition is disposed of in these terms. All pending applications, if any, are also disposed of.