

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 1/9/2015

C O R A M

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE K.K.SASIDHARAN

W.P. No.14410 of 2015

K. Gopal

...Petitioner

Vs

The Chairman
Chennai Port Trust
Chennai

...Respondent

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondent to disburse the gratuity amount and arrears of the pension amount with other benefits with interest and continue to disburse monthly pension to the petitioner as per the direction of the State Level Scrutiny Committee passed in proceedings No.13545/CVIII/2013 dated 19/2/2015.

For petitioner : Mr.S.Doraisamy

For respondent : Ms.B.Jijaa
for Mr.Abdul Hameed and
AAC Partners.

सत्यमेव जयते
O R D E R

(made by SATISH K. AGNIHOTRI,J.,)

Heard Mr. S. Doraisamy, learned counsel for the petitioner and Ms.B.Jijaa, learned counsel representing Mr.Abdul Hameed, learned advocate for the respondent. With the consent of the parties, the writ petition is taken up for final disposal.

2.1 The facts in brief, leading to the filing of the writ petition are that the petitioner was initially appointed as Chargeman-Grade II in the respondent-Port Trust on 9th June 1980 under the quota reserved for Scheduled Tribes. Thereafter, he was promoted as Chargeman-Grade I and was further promoted as Foreman (Mechanical) in the year 2001. He retired from service as such on 31st January, 2011. However, his terminal benefits were not settled by the respondent-Port Trust on account of a dispute in respect of his community status. After more than one round of litigation before this Court, the dispute was referred to the State Level Scrutiny Committee, which is the competent authority, to verify his community certificate.

2.2 The State Level Scrutiny Committee, having considered the issue at length and after careful examination, vide proceedings dated 19th February 2015, came to the conclusion that the petitioner belongs to Hindu Kurumans (ST) Community and directed the respondent-Port Trust to disburse the gratuity amount and the arrears of pension amount to the petitioner, besides continuing to disburse the monthly pension to the petitioner.

2.3 In pursuance thereof, the Deputy Secretary to Government, Adi Dravidar and Tribal Welfare Department, Secretariat, vide letter dated 24th March 2015, enclosing a copy of the proceedings dated 19th February 2015 of the State Level Scrutiny Committee, requested the respondent-Port Trust to disburse the terminal benefits to the petitioner as per the proceedings of the State Level Scrutiny Committee. Notwithstanding the said communication, the respondent-Port Trust has not settled the petitioner's terminal benefits.

2.4 Hence, this writ petition for a direction to the respondent-Port Trust to disburse the gratuity amount and arrears of the pension amount with other benefits with interest to the petitioner and continue to disburse monthly pension to him, as per the aforesaid proceedings of the State Level Scrutiny Committee.

3 The learned counsel appearing for the respondent-Port Trust, vehemently urges that for want of proceedings of the State Level Scrutiny Committee in original, the terminal benefits could not be settled.

4 In the case on hand, when a copy of the aforesaid proceedings dated 19th February 2015 has been sent by the State Level Scrutiny Committee to the respondent-Port Trust, we are at a loss to understand as to why the respondent-Port Trust should await the

original proceedings and direct the petitioner to produce the same. That apart, as aforesaid, a communication dated 24th March 2015, enclosing the copy of the proceedings of the State Level Scrutiny Committee, has also been issued to the respondent-Port Trust by the Deputy Secretary to the Government, Adi Dravidar and Tribal Welfare Department. Once the said communication is duly authenticated, the respondent-Port Trust has no reason to doubt the same and insist the petitioner to produce the proceedings of the State Level Scrutiny Committee, in original.

5. In such view of the matter, we direct the respondent to disburse the salary and gratuity amount to the petitioner and also settle his arrears of pension, within a period of two weeks from today and continue to disburse the monthly pension to him, thereafter.

6. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

mvs/cad

To

The Chairman
Chennai Port Trust
Chennai

1 CC to Mr.S.Doraisamy, Advocate SR.No. 46763

1 CC to M/s.AAC Partners, Advocate SR.No. 47093

W.P. No.14410 of 2015

TEJ (CO)
PSI (10.09.2015)