

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.08.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.2009 of 2017

Smt.Kolanjiammal

.. Petitioner

Vs

1. The Chairman,
Chennai Port Trust, Chennai – 1

2. The Traffic Manager,
Cargo Handling Division,
Chennai Port Trust,
Chennai – 1

.. Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue of Writ of Mandamus, to direct the respondents to pay compensation in lieu of compassionate appointment given to similarly placed person based on the representation of the petitioner dated 09.01.2014 within a fixed time frame.

For Petitioner : Mr.A.M.Amutha Ganesh

For Respondents : Mr.V.Haribabu for R1 and R2

ORDER

The relief sought for in this writ petition is for a direction to the respondents to pay compensation in lieu of compassionate appointment given to similarly placed person based on the

representation of the petitioner dated 09.01.2014.

2. The learned counsel for the petitioner contented that the husband of the writ petitioner late Arunachalam joined as a Reserve Poll Mazdoor in the Madras Dock Labour Board and during the year 1994, he passed away while he was in service. After the demise of her husband, the writ petitioner was appointed in Women Welfare Centre in the year 1997 on temporary basis. Since, the writ petitioner was appointed on temporary basis, the question of claiming compassionate appointment does not arise at all.

3. Soon after the appointment of the writ petitioner in the Women Welfare Centre her right of claim seeking for compassionate appointment got vanished. Therefore, the prayer sought for in this writ petition to grant compensation in view of compassionate appointment does not exist and cannot be considered.

4. The learned counsel for the respondents submit that it is true that the respondents had announced certain schemes of compensation package, since there are number of applications were pending for seeking compassionate appointment. However, by getting concurrence from the Ministry of Shipping, the case of 868 dependents of the

deceased employees who died in service were considered for appointment in lump sum basis for compassionate appointment, of which, 797 candidates were considered and the one time lump sum compensation was paid to them. The case of the remaining 71 candidates were also subsequently considered by the Ministry of Shipping and accordingly, the amount of compensation was settled.

5. The learned counsel for the petitioner further contended that the name of the writ petitioner is not even found in the list of eligible persons for settling the one time compensation. Thus, her case was not considered. This Court is of the view that even the writ petitioner herself admitted that she was appointed in Women Welfare Scheme immediately after the demise of her husband and such being the fact of the case, the question of granting compensation in view of compassionate appointment does not arise at all. Thus, the writ petition is devoid of merits and accordingly, the writ petition stands dismissed of. No costs.

rka

10.08.2017

S.M.SUBRAMANIAM,J.
rka

To

1. The Chairman,
Chennai Port Trust, Chennai – 1
2. The Traffic Manager,
Cargo Handling Division,
Chennai Port Trust,
Chennai – 1



W.P. No. 2009 of 2015

10.08.2017

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