

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-12-2018

CORAM

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

W.P.No. 29597 of 2005

And

W.P.M.P.No.32442 of 2005

The Transport and Dock Workers Union,
Regn.No.3171/1961
Represented by its General Secretary,
D.Purushothaman,
No.32, Perumal Mudali Street,
Kondithope,
Chennai-600 079.

...Petitioner

Vs

1.The Secretary,
The Ministry of Shipping,
Transport Bhavan,
Ports Wing,
No.1, Sansad Marg,
New Delhi-1.

2.The Indian Ports Association,
First Floor, South Tower,
NBCC Place, Bhisham Pitamah Marg,
Lodi Road,
New Delhi-110 003.

3.The Chairman,
Chennai Port Trust,
Chennai-600 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to dispose of the representation dated 31.3.2005, seeking consideration of dearness allowance on percentage basis from AICPI 607 points to AICPI 1708 points for retirees on and after 1.1.1998 and to extend all arrears and other consequential benefits thereto.

For Petitioner : Mr.L.Chandrakumar

For Respondents-1&2 : No Appearance

For Respondent-3 : Mr.J.Sathya Narayana Prasad

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to dispose of the representation submitted by the writ petitioner on 31.3.2005, seeking consideration of the Dearness Allowance on percentage basis from AICPI 607 points to AICPI 1708 points for retirees on and after 1.1.1998 and to extend all arrears and other consequential benefits thereto.

2. The writ petitioner is the Transport and Dock Workers Union. The present writ petition was filed to dispose of the representation in respect of the claim of Dearness Allowance on percentage basis in respect of the members of the petitioner-Union. However, the grant of Dearness Allowance is an individual grievance and the writ petitioner has filed the present writ petition on behalf of the members.

3. However, without going into the merits of the matter, if at all any grievance exists to the writ petitioner-Union, as of now, the writ petitioner-Union is at liberty to submit a fresh representation to the Competent Authorities. In the event of submitting any such representation, the Competent Authorities shall consider the same on merits and in accordance with law and pass orders as expeditiously as possible.

4. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

Svn

To

1.The Secretary,
The Ministry of Shipping,
Transport Bhavan,
Ports Wing,
No.1, Sansad Marg,
New Delhi-1.

2.The Indian Ports Association,
First Floor, South Tower,
NBCC Place, Bhisham Pitamah Marg,
Lodi Road,
New Delhi-110 003.

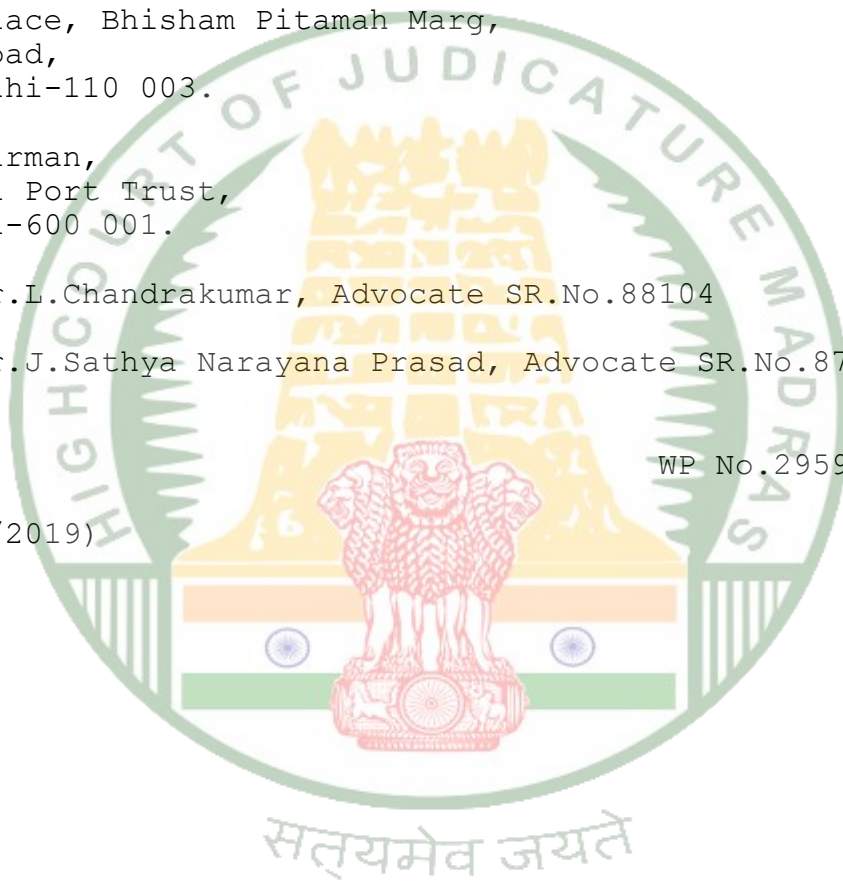
3.The Chairman,
Chennai Port Trust,
Chennai-600 001.

+1cc to Mr.L.Chandrakumar, Advocate SR.No.88104

+1cc to Mr.J.Sathya Narayana Prasad, Advocate SR.No.87841

WP No.29597 of 2005

RK(CO)
GMY(11/01/2019)



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