

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.3753 OF 2002

ORDER

This Writ petition is filed seeking to issue a Writ of Mandamus directing the 5th respondent-pensioner to carry out the terms of the settlement and set aside the order dated 05.01.2001 passed by the Lok-Adalat, Visakhapatnam.

Heard Ms V.Uma Devi, learned Standing Counsel appearing for the petitioner-Port Trust.

It is the case of the petitioner-Port Trust that respondents 2 to 4 are claiming the benefits of pension payable to the 5th respondent and they have entered into settlement before the Lok Adalat in O.S.No.81 of 2001 and accordingly, Lok Adalat passed Award on 05.01.2002.

Learned counsel appearing for the petitioner-Port Trust contends that when once the settlement is arrived among the claimants-respondents for pensionary benefits, the same has to be divided among the claimants-respondents in terms of the said settlement, but the petitioner- Visakhapatnam Port Trust cannot disburse the amounts in favour of the claimants-respondents in terms

of the Award passed by the Lok Adalat. He further contends that in the compromise petition before the Lok Adalat, various circumstances are mentioned and the 5th respondent undertakes to give a sum of Rs.300/- per month from his pension, if he gets the pension below Rs.1,800/- and if he gets pension more than Rs.2,000/-, the percentage of pension received is also quantified. Hence, it is not for the petitioner-Port Trust to disburse the pension in terms of the compromise, at best, one of the claimants-respondents can receive the pension and distribute the same among the claimants-respondents in terms of the Award passed by the Lok Adalat.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the considered view that as the terms of compromise is entered into by the claimants-respondents among themselves, one of them can take up the responsibility of receiving the pension and disburse the same in terms of the Award.

Therefore, the Writ Petition is disposed of directing the petitioner-Port Trust to disburse the pensionary benefits to one of the claimants-respondents, who shall

disburse the same among the claimants-respondents in terms of the Award passed in O.S.No.81 of 2001, dated 05.01.2002. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

17th August, 2018
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