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IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.1071 OF 2019.

WITH

MISC. CIVIL APPLICATION NO. 871 OF 2021(F)

PRAKASH RAIKER., ...Petitioner.

Versus

BOARD OF TRUSTEES,
MORMUGAO PORT TRUST, ...Respondents.
THR. CHAIRMAN.,

Mr. Y. Nadkarni and Mr. S. Kamat, Advocates *for the respondent n o.2.*

WITH

STAMP NUMBER MAIN NO. 1671 OF 2020(FILING)

GOPAL K. SARANG AND 6 ORS. ...Petitioner.

Versus

UNION OF INDIA, THR. ITS
SECRETARY, MINISTRY OF
SHIPPING, NEW DELHI AND ANR., ...Respondents.

Mr. V. Naik, Advocates *for the Petitioner.*

Mr. Y. Nadkarni and Mr. S. Kamat, Advocates *for the respondent no. 2.*

WITH

STAMP NUMBER MAIN NO.1672 OF 2020(F).

AUGUSTA M. DA'COSTA AND 7
ORS., ...Petitioners.

Versus

UNION OF INDIA, THR. ITS
SECRETARY, MINISTRY OF
SHIPPING, NEW DELHI AND ...Respondents.
ANR.,

Mr. V. Naik, Advocates *for the Petitioner.*

Mr. Y. Nadkarni and Mr. S. Kamat, Advocates *for the respondent no.2.*

**CORAM: SUNIL P. DESHMUKH &
M. S. SONAK, JJ.**

DATED: 23rd August, 2021.

P.C.:

1. The petitioners in all these petitions are seeking writ of mandamus to respondent no.2 to release the arrears towards salary and allowances including other service benefits for the period from 1.1.2017 to their respective dates of retirement according to their eligibility and entitlement in terms of Memorandum of Settlement dated 30.8.2019.

2. In response to the petition, Counsel for respondent no.2 Mr. Nadkarni, submits that all the arrears of salary, including retirement and other benefits have been paid to the respective petitioners.

3. Learned Counsel for petitioner disputes the position contending that difference of commutation of pension has yet not been paid. Learned Counsel Mr. Nadkarni points out clause 47.1 and submits a dispute appears to arise to be resolved pursuant to clause 47.1 of the terms of Settlement. Clause 47.1 of the terms of settlement is as under:

'47.1 Any discrepancies/anomalies and disputed interpretations arising out of this Settlement and matters relating to implementation of this Settlement will be discussed between the Federations and the Port of Management with a view to resolving them. It is further agreed that in the event of any disagreement

between the parties on any points concerning any Clause including issues to be discussed at local level under this Settlement, the disputed point will be referred to any Arbitrator/Adjudicator under the Industrial Disputes Act, 1947 for an Award.'

4. Having regard to the aforesaid, petitioners may avail of clause 47.1.
5. All the petitions stand disposed of, accordingly.

M. S. SONAK, J.

SUNIL P. DESHMUKH, J.