



WEB COPY



W.P.No.15159 of 2009

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2022

CORAM:

THE HON'BLE MR. JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.15159 of 2009

1. R.Girija
2. R.Suresh Kumar ... Petitioners

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Shipping and Transport,
Ports Wing, New Delhi.

2. Chennai Port Trust,
Represented by its Chairman,
Rajaji Salai, Chennai 600 001.

3. The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai 600 001.
(R3 Suo motu impleaded vide order
dated 22.04.2019, made in
W.P.No.15159 of 2009)

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Mandamus or any other appropriate



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writ, direction or order in the nature of Writ, directing the respondents to provide a suitable employment to the 2nd petitioner in the 2nd respondent concern, by considering and passing orders on First Petitioner's representations including the representations dated 10.02.2009 and 25.03.2009.

For Petitioners : Mr.K.A.Mariappan
For R1 : Ms.D.Geetha, SCGSC
For R2 : Ms.Babitha Sunil

ORDER

This Writ Petition has been filed to direct the respondents to provide a suitable employment to the 2nd petitioner in the 2nd respondent/ Chennai Port Trust, by considering and passing orders on First Petitioner's representations including the representations dated 10.02.2009 and 25.03.2009.

2. Learned counsel appearing for the petitioners submitted that the 1st petitioner's husband Mr.G.Ramanathan was employed with the respondents as Junior Assistant in Chennai Port Trust; while in service, he died on 07.02.1987, leaving behind his wife, two daughters viz.,



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R.Revathy and R.Vijayalakshmi and one son R.Suresh Kumar, 2nd petitioner herein. After the death of Mr.G.Ramanathan, the 1st petitioner made a representation to the 2nd respondent seeking appointment for her in Madras Port Trust. Thereby, by limitation dated 11.03.1987, the Secretary, Madras Port Trust called for a filled up form from the 1st petitioner. After submission of the said form, no action has been taken by the respondents. Therefore, the 1st petitioner filed a Writ Petition in W.P.No.7735 of 1989, seeking direction to the 2nd respondent to consider the representation for providing employment. The said petition was ordered on 20.06.1989 and this Court had directed the respondents to consider the representation under the Scheme for providing Employment to Widow and Children of Employees, who died in harness and pass orders within one month from the date of receipt of a copy of that order.

3. In the meanwhile, one Jagadeeswari made a rival claim for monetary benefits payable by 2nd respondent for Mr.G.Ramanathan's death, claiming that she was the legally wedded wife of him. Thereafter, the Board of Trustees of the Port of Madras filed an Suit in O.S.No.5211 of



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1991, on the file of the City Civil Court, Chennai and the same was ordered on 13.07.2004 directing the plaintiff to disburse the entire monetary benefits of deceased Mr.G.Ramanathan to the 1st defendant, Jagadeeswari and to provide an employment opportunity on compassionate ground to the 2nd defendant, who is the 1st petitioner herein or her legal heirs according to seniority at an early date. Since, no steps have been taken, the 1st petitioner made representations dated 10.02.2009 and 25.03.2009 to the respondents to provide employment to the 2nd petitioner as per the order passed in O.S.No.5211 of 1991. Since, no action has been taken by the respondents, the petitioners have preferred this present Writ Petition.

4. The second respondent has filed the counter affidavit and the additional counter affidavit.

5. Learned counsel appearing for the 2nd respondent submitted that the deceased employee Mr.G.Ramanathan, who was working as Junior Assistant died on 07.02.1987 while in service and he did not submit his



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nomination particulars to the 2nd respondent before his death. Subsequent to the Civil Court decree dated 13.07.2004 in O.S.No.5211 of 1991, the petitioner made a representation dated 07.03.2005 before the 2nd respondent and the petitioner's name was registered in the “Dependent Register” maintained by the 2nd respondent for the purpose of compassionate appointment on 31.12.2007. He further submitted that the Government of India, Ministry of Personnel, Public Grievances & Pensions DOPT by its O.M dated 5th May 2003 laid down that:

“The maximum time a person's name can be kept under consideration for offering compassionate appointment will be 3 years, subject to the condition that the prescribed committee has reviewed and certified the penurious condition of the applicant at the end of the first and the second year. After 3 years, if compassionate appointment is not possible to be offered to the applicant, his case will be finally closed and will not be considered again.”

6. He further submitted that by Notification No.PR-12016/18/2000-



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PE-I, dated 07.09.2000, Ministry of Surface Transport froze the recruitment at entry level posts till further orders and consequently, the recruitment to the Class III and IV at the entry level has been frozen due to the surplus man power in the 2nd respondent organization. Therefore, the 2nd respondent offered one time lumpsum compensation to the all 868 dependants as Chennai Port Trust is unable to provide employment. The 2nd respondent has not informed the petitioner to come and receive the lumpsum compensation, no notice or letter was issued in this regard by the 2nd respondent and the same was conceded by the learned counsel appearing for the 2nd respondent Trust. Hence, the contention that the 2nd petitioner has not come forward to receive the compensation of Rs.4,90,000/- is not sustainable.

7. Heard the learned counsel appearing for the petitioners and the learned counsel appearing for the 2nd respondent and perused the materials available on record.

8. In view of the above facts and circumstances of the case, the 2nd



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respondent/ The Chairman, Chennai Port Trust is directed to pay the lumpsum compensation of Rs.4,90,000/- (Rupees Four Lakhs Ninety Thousand only) to the petitioners as per the One time Lumpsum Payment Scheme approved by the Ministry of Shipping dated 08.06.2012 with the interest at a rate of 8% per annum from the date of the scheme to the date of payment of the amount within a period of six months from the date of receipt of a copy of this order

9. Accordingly, with the above direction, this Writ Petition is disposed of.

05.08.2022

rgi

Internet: Yes

Index : Yes/No

Speaking/Non speaking order



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To

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1. The Union of India,
Represented by its Secretary,
Ministry of Shipping and Transport,
Ports Wing, New Delhi.
2. Chennai Port Trust,
Represented by its Chairman,
Rajaji Salai, Chennai 600 001.
3. The Secretary,
Chennai Port Trust,
Rajaji Salai,
Chennai 600 001.
4. The Public Prosecutor,
High Court,
Madras.



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