



W.P.No.22184 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.22184 of 2023

Venkatesan Gopinath

... Petitioner

Vs.

- 1.Regional General Manager,
Shipping Corporation of India,
Chennai,
Jawahar Building, Rajaji Salai,
Chennai – 600 001.
- 2.The Secretary,
Tamil Nadu Labour Welfare Board,
Post Box No.718, 3rd Floor,
D.M.S. Compound, Anna Salai,
Teynampet, Chennai – 600 006.
- 3.The Chairman,
The Shipping Corporation of India Ltd.,
Registered Office : Shipping House, 245,
Madame Cama Road,
Mumbai – 400 021.
- 4.The Secretary,
Ministry of Ports, Shipping and Waterways,
Transport Bhawan, Ministry of Shipping,
New Delhi – 110 001.



W.P.No.22184 of 2023

5.The Additional Central Provident Fund Commissioner (HQRS)
(Chennai & Puducherry)

Office of the Additional Central Provident Fund Commissioner
No.37, Royapettah High Road,
Opp. Swagat Hotel, Chennai – 600 014.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for records and quash the letter dated 20.03.2023 issued by the 1st Respondent as null and void and non est in law and to direct the 1st and 3rd Respondent to release the pending Provident Fund and Gratuity amounting to Approx. Rs.21,50,000/- as on 20.02.2023 with 18% Interest and Approx. Rs.10,00,000/- as compensation for mental agony and for inconvenience about Rs.5,00,000/- with a cost of legal expenses of Rs.95,000/-.

For Petitioner : Mr.Adv (Capt) V.J.Pushpakumar

For R4 : Mrs.V.Sudha
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the order of the 1st respondent, dated 20.03.2023, terminating the petitioner from service, and for a direction to the respondents to release the terminal benefits to the petitioner.



W.P.No.22184 of 2023

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2.It is the case of the petitioner that though he resigned the job from the 1st respondent in the year 2018, his terminal benefits like Provident Fund, VPF, Gratuity, etc., have not been settled so far. In this regard, he has sent an e-mail to the respondents on 10.05.2022. However, the same was not considered. Thereafter, the petitioner has also caused a legal notice on 03.04.2023, however, even the same was not considered. Hence, the present writ petition has been filed.

3.Learned counsel for the petitioner would submit that, in a similar case in ***W.P.No.22174 of 2023 [Karra Kameswara Rao v. The Regional General Manager, Shipping Corporation of India and others]***, this Court by order dated 27.07.2023, directed the 3rd respondent to consider the representation of the petitioner therein and pass appropriate orders within a period of four weeks from the date of receipt of a copy of the order. Hence, it is the contention of the learned counsel for the petitioner that it would suffice if the similar relief is granted in this writ petition also.



W.P.No.22184 of 2023

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4.Mrs.V.Sudha, learned Central Government Standing Counsel, who takes notice for the 4th respondent, has no serious objection for such an order being passed.

5.In view of the limited request now made by the learned counsel for the petitioner, this Court, without interfering with the order impugned herein, directs the respondents 1 and 3 to consider the e-mail request of the petitioner, dated 10.05.2022, with regard to payment of terminal benefits, on its own merits and as per the Rules governing the petitioner, and pass appropriate orders within a period of two months from the date of this order.

6.With the above direction, this writ petition is disposed of. No costs.

19.09.2023

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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order



W.P.No.22184 of 2023

To
WEB COPY

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W.P.No.22184 of 2023

N. SATHISH KUMAR, J.
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W.P.No.22184 of 2023

19.09.2023