



W.P.No.22174 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.22174 of 2023

Karra Kameswara Rao

... Petitioner

Vs.

1. The Regional General Manager,
Shipping Corporation of India,
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 Limited,
Regd Office : Shipping House, 245,
Madame Cama Road,
Mumbai – 400 021.



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4. The Secretary,
Ministry of Ports,
Shipping and Waterways,
Transport Bhawan,
Ministry of Shipping,
New Delhi – 110 001.

5. The Additional Central Provident Fund
Commissioner (HQRS),
Office of the Additional Central Provident
Fund Commissioner (Chennai and Puducherry),
No.37, Royapettah High Road,
Opposite to Swagat Hotel,
Chennai – 600 014.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for records and quash the letter dated 20.03.2023 issued by the first respondent as null and void and non est in law and to direct the respondents 1 and 3 to release the pending Provident Fund amounting to Rs.23,33,115.18/- as on 20.02.2023 with 18% interest and gratuity amounting up to approximately Rs.10,00,000/- and compensation for mental agony and inconvenience about Rs.5,00,000/- with a cost of legal expenses of Rs.95,000/-

For Petitioner : Mr.J.Ibrahim Ahamed

For Respondents : Mr.M.S.Prem Kumar
Government Advocate for R1
Mrs.V.Sudha
Central Government Counsel for R4



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ORDER

This Writ Petition has been filed to call for the records of the impugned termination letter dated 20.03.2023 passed by the first respondent and quash the same and also direct the respondents 1 and 3 to release the pending Provident Fund amounting to Rs.23,33,115.18/- as on 20.02.2023 with 18% interest and gratuity amounting upto approximately Rs.10,00,000/- and compensation for mental agony and inconvenience about Rs.5,00,000/- with a cost of legal expenses of Rs.95,000/-

2. The learned counsel appearing for the petitioner would submit that the petitioner is the erstwhile employee of the third respondent and he resigned his job on 19.11.2018 and joined another shipping company namely, M.V.Ocean Victor from 07.02.2018 and even then, the benefits were not settled to him. Without settling the benefits, the present termination order dated 20.03.2023 was passed. Challenging the same, the petitioner has filed the present Writ Petition.



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3. The learned counsel appearing for the petitioner submits that the documents sought for by the third respondent vide the impugned termination letter dated 20.03.2023, the petitioner vide reply dated 06.04.2022 had already given the same for the final settlement on 19.11.2018 itself and he has also returned ID Card on 20.11.2018 and got the Clearance Certificate for the same and even then, the terminal benefits were not settled to the petitioner, such as Provident Fund and Gratuity etc., Therefore, the petitioner sent a letter to the respondents 1 and 4 on 03.04.2023, but till date the same has not been considered and hence, the question of termination does not arise. This Court may issue a direction to the third respondent to consider the petitioner's letter dated 03.04.2023 and pass appropriate orders, within a time frame that may be fixed by this Court.

4. The learned Central Government Counsel appearing for the fourth respondent has no serious objection for such an order being passed by this Court.



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5. Heard learned counsel appearing for the parties and perused the materials placed before this Court.

6. Considering the limited request made by the learned counsel for the petitioner, this Court, without interfering with the order in the Writ Petition which is impugned herein, directs the third respondent to consider the petitioner's letter dated 03.04.2023 and pass appropriate orders, on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is disposed of. No costs.

27.07.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

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