



W.P.No.28856 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 12.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.28856 of 2010

Joseph Arputhanathan
Son of late Bakiyanathan,
Indian Christian,
Aged about 62 years,
Residing at No.6,
Seventh Lane,
Portuguese Church Street,
Chennai – 600 001.

....Petitioner

Vs

1. The Shipping Corporation of India Ltd.,
Jawahar Building,
No.6, Rajaji Salai,
Chennai – 600 001.
2. The Director,
Seamens Employment Office,
Ministry of Surface Transport,
Government of India,
Navbhawan Ramji Bai Kamani Marg.,
Ballard Estate,
Mumbai – 400 038.



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3. The Administrator,
The NMB Rehabilitation Centre and
Welfare Trust for Seamen
C/o. Maritime Association of Ship-Owners,
Ship Managers and Agents,
Mackinnon Mackenzie Building, I Floor,
No.4, Shoorji Vallabdas Marg, Ballard Estate,
Mumbai – 400 001.

4. National Union Seafarers of India
affiliated to Indian Seafarers Federation
and International Transport Workers
Federation, Nusi Bhavan,
No.4, Goa Street,
Ballard Estate,
Mumbai – 400 001.

.... Respondents.

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the issue of communication dated 17.02.2010 bearing Ref.No.NMBRWTS/NUSI/Med/2009-10 issued by the NMB Rehabilitation Centre and Welfare Trust for Seamen registered under Bombay Public Trust Act, 1950 Reg.No.E-15639 (Mumbai) of 25.04.2995 Care of Maritime Association of Ship-Owners, Ship Managers and Agents, Mackinnon Mackenzie Building, I Flor, No.4, Shoorji Vallabdas Marg, Ballard Estae, Mumbai – 400 001, the 3rd respondent herein in declaring that the petitioner entitled to Rs.1,25,000/- towards compensation as per Guidelines of the Trust and quash the same and direct the 3rd respondent to pay compensation at Rs.10 lakhs payable on par with other seamen owing to the petitioner prolonged services as a Seamen in the category of ERR-II CDC No.38929



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in M/En.220 under the rules set out in the National Marine Board Agreement.

For Petitioner : Mr.D.Ashok Kumar
For R1 : Mr. Joy Thattil Ittoop
For R3 : Mr.V.Jaya Sankar
For R2 & R4 : No appearance

ORDER

The Writ Petition has been filed to call for the records pertaining to the issue of communication dated 17.02.2010 bearing Ref.No.NMBRWTS/NUSI/Med/2009-10 issued by the NMB Rehabilitation Centre and Welfare Trust for Seamen registered under Bombay Public Trust Act, 1950 Reg.No.E-15639 (Mumbai) of 25.04.2995 Care of Maritime Association of Ship-Owners, Ship Managers and Agents, Mackinnon Mackenzie Building, I Flor, No.4, Shoorji Vallabdas Marg, Ballard Estae, Mumbai – 400 001, the 3rd respondent herein in declaring that the petitioner entitled to Rs.1,25,000/- towards compensation as per Guidelines of the Trust and quash the same and direct the 3rd respondent to pay compensation at Rs.10 lakhs payable on par with other seamen owing to the petitioner prolonged services as a Seamen in the category of ERR-II CDC No.38929



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in M/En.220 under the rules set out in the National Marine Board Agreement.

2. When the matter is taken up for hearing, it is informed that, petitioner filed a memo on 11.06.2012 undertaking to receive the compensation of Rs.1,25,000/- without prejudice to his rights in this Writ Petition.

3. It is submitted by the learned counsel for the 3rd respondent that, petitioner was already paid with a sum of Rs.1,25,000/-. He further submitted that, 3rd respondent is a Charitable Trust established for the welfare of the Seamen and it is not an authority established under any statute. The Trustees are composed of Ship Owners and Union. The purpose of the Trust is to offer Welfare Assistance for Seamen who are unable to continue in employment on account of health or other related reasons. Various factors including availability of funds are taken into account while offering severance assistance. In a meeting of the Trust held on 9th March, 2009 taking into consideration the position of corpus of the Trust and the auditor's report, it was decided to extend assistance on the following basis.



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i) for the persons below 55 years, a sum of Rs.1,25,000/- is to be given:

ii) for the persons between 55 to 58 years, a sum of Rs.75,000/- is to be given:

iii) for the persons between 58 to 60 years, a sum of Rs.50,000/- is to be given;

Accordingly, petitioner was paid a sum of Rs.1,25,000/- as compensation. Thus, nothing survives in this petition and prays for dismissal of the petition.

4. In the said circumstances stated by the learned counsel for the 3rd respondent that, 3rd respondent is only a Public Charitable Trust and only as per the decision taken by the Trust in the meeting held on 09.03.2009, petitioner was paid a sum of Rs.1,25,000/- like all other similarly placed persons, this Court finds that there is no merits in this petition.

5. Accordingly, this Writ Petition is dismissed. Parties are directed to



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pay their own costs.

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Index :Yes/No
Internet:Yes/No
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To



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G.CHANDRASEKHARAN, J



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