



WEB COPY



W.P.No.23695 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.08.2024

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.23695 of 2012

T.Kesavan

...Petitioner

Vs.

The Secretary,
Chennai Port Trust,
Administrative Office,
Rajaji Salai,
Chennai – 600 001.

...Respondent

Prayer:Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus to call for the records of the respondent herein in his proceedings No.SCT5/6399/2006/GA dated 21.11.2010 quash the same and to direct the respondent herein to appoint the petitioner in any one of the post in-consonance with his educational qualification on compassionate grounds.

For Petitioner : Mr.G.Purushothaman

For Respondent : -No Appearance-



ORDER

WEB COPY

This writ petition has been filed challenging the proceedings No.SCT/5/6399/2006 GA dated 21.11.2010, whereby the claim of the petitioner for being appointed on compassionate grounds consequent upon to the death of his father was declined by the respondent.

2. In response to the notice issued by this Court, the respondent filed a counter-affidavit. When the matter is taken up for consideration, it is submitted by the learned counsel for the petitioner that the petitioner has already reached the age of 40 years and therefore, his claim for compassionate appointment may not legally survive. On the other hand, the learned counsel also has drawn the attention of this Court to paragraph 21 of the counter-affidavit filed by the respondent wherein it is stated as under:-

“The petitioner was requested vide letter No.SCT5/2719/2011/GA dated 16.06.2012, to submit the required documents for considering one time lumpsum compensation package instead of appointment in Chennai Port. No reply has been received from the petitioner. Again on 20.06.2016, a letter was sent to the petitioner to report to the office for considering his case for one time compensation package, the petitioner did not response. In the meanwhile, a



WEB COPY

letter has been received from the Ministry vide letter No.LB-16017/50/2011-DO(L) dated 18.07.2016, wherein it is informed that the time limit for payment of one time lumpsum compensation in lieu of compassionate appointment to the dependents of the employees of Chennai Port who died while in service, which was extended upto 08.08.2012 has lapsed and cannot be extended further.”

3. As seen from the above, the respondent themselves have offered to pay a lumpsum amount towards compensation as a package instead of appointment on compassionate grounds, in respondent Port. It is also further submitted by the learned counsel for the petitioner that under similar circumstances, several persons, similarly placed like the petitioner, were paid the lumpsum compensation amount, but the petitioner having challenged the rejection order passed by the respondent by filing the present writ petition could not claim the said compensation. Learned counsel further submitted that the petitioner would be satisfied with the said compensation amount if paid to the petitioner by the respondent.

4. In the light of the above, this Court is of the considered view that this is a matter to be considered by the respondent Port at the first instance and



W.P.No.23695 of 2012

therefore, this writ petition is disposed of, permitting the petitioner to submit a representation before the respondent for payment of compensation in lumpsum package as stated by the respondent in paragraph 21 in the counter-affidavit and on submission of such representation by the petitioner, the respondent Port shall consider the same in accordance with law and pass appropriate orders thereon as expeditiously as possible at any date within a period of two (2) months from the date of submission of the representation by the petitioner. As the claim of the petitioner for compassionate appointment is pending before this Court since 2012, the respondent may not take the objection for payment of lumpsum compensation on the ground that the period of scheme has come to an end. No costs.

08.08.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
To
The Secretary,
Chennai Port Trust,
Administrative Office,
Rajaji Salai,
Chennai – 600 001.
NST



WEB COPY



W.P.No.23695 of 2012

MUMMINENI SUDHEER KUMAR,J.

NST

W.P.No.23695 of 2012

08.08.2024