



W.P.No.34392 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.06.2024

CORAM:

THE HONOURABLE MRS. JUSTICE R.KALAIMATHI

W.P.No.34392 of 2012

G.Gunasekaran

... Petitioner

Vs.

1. The Chairman,
Chennai Port Trust,
Chennai – 600 001

2. The Deputy Conservator,
Marine Department,
Chennai Port Trust,
Chennai – 600 001

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents herein to revise the pay of the petitioner by taking into account of the petitioner's service as Seaman Grade-2 with effect from 27.12.1982 and consequently direct the respondents herein to pay 15% back wages for the period from 19.04.1990 to 28.04.1999 and the arrears from 29.04.1999 to 21.11.2007 in the post of Seaman Grade-2 and the arrears from 22.11.2007 till date in the post of Seaman Grade-I.

For Petitioner : Ms.A.D.Banu Priya



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For Respondents : Mr.R.Prakalathan

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ORDER

Ms.A.D.Banu Priya, learned counsel for the petitioner submits that the petitioner was extended the benefits as mentioned in para Nos.5 and 6 of the counter affidavit, which is extracted hereunder:

“5. It is submitted that in compliance with the said order of the Hon'ble High Court in W.P.No.10132 of 2002 dated 10.06.2009, the following benefits were extended to the petitioner:-

(i) His increment was drawn annually as if he was in continuous service as Lascar Gr-II and given effect in his pay bill from the month of December 2009;

(ii) Besides the above,

a) The arrear amount of 15% back wages Rs. 68,164.94 (Net amount Rs.42,159/- after statutory deduction) on total amount of earning Rs.4,54,432.92 for the period of discharge from 19.04.1990 to 28.04.1999 was paid to him.

b) Consequent to the wage revision "An arrear for the period from 01.01.1998 to 31.10.2000 was paid to him by fixing is pay in the revised scale of pay as per the revision of pay vide office order No.E2/1345/2006/M, dated 30.11.2009.



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c) *An arrear for the period from 01.11.2000 to 31.12.2006 amounting to Rs.2,58,855/- was paid to him on 19.05.2010.*

d) *An arrear for the period from 01.01.2007 to 28.02.2010 amounting to Rs.3,74,754/- in revised scale of pay was included in the arrear payment in the settlement of new Wage Revision paid to him on 14.04.2010.*

His pay has been fixed annually since the date of his initial appointment (i.e. from 27.12.1982) as if he was in continuous service.

6. It is submitted that the Petitioner retired from the Port Authority Service on 30.04.2019. As per the orders of the Hon'ble High Court in W.P No.10132 of 2002, the terminal benefits viz. Gratuity, Commutation and Pension amount in respect of the Petitioner was calculated on the last pay drawn i.e., Rs.58,600/- His increment was drawn annually as if he was in continuous service taking into account his past service from the date of his initial appointment i.e 27.09.1982 as Lascar Gr.II."

2. Taking note of the submissions of the learned counsel for the petitioner coupled with the details of counter affidavit, it is pellucid that the petitioner is extended with requisite benefits.

3. The learned representing counsel for the respondents is present.



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4. Recording the submissions of the learned counsel for the petitioner,
this writ petition is dismissed as infructuous. No costs.

14.06.2024

Index : Yes / No
Internet : Yes / No
Neutral Citation Case : Yes / No
Speaking Order / Non-Speaking Order
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To

1. The Chairman,
Chennai Port Trust,
Chennai – 600 001

2. The Deputy Conservator,
Marine Department,
Chennai Port Trust,
Chennai – 600 001



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R.KALAIMATHI, J.,

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