



W.P(MD)No.1286 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.1286 of 2019

M.Vaithilingam

... Petitioner

Vs

1.The Chairman Cum Managing Director,
Dredging Corporation of India Ltd.,
Port Area, Visakhapatnam -530035,
Andhra Pradesh.

2.The Deputy Manager(HR) (FE),
Dredging Corporation of India Ltd.,
Port Area,
Visakhapatnam -530035,
Andhra Pradesh.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to pay the arrears of gratuity and pension and other benefits to the petitioner, based on the representation dated 06.04.2018.



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For Petitioner : Mr.J.Jeyakumaran
For Respondents : Ms.D.Uvarani

O R D E R

The petitioner is an retired employee of the Port trust. He claims that he was retired from service on 12.02.2013 and he was paid with gratuity amount and GSLI only for few years. For the remaining period, it was not granted. Therefore, the petitioner has made representations to the Dredging Corporation of India Ltd and the Drudging Corporation of India, by its communication, dated 22.01.2015 directed the respondents to consider the case of the petitioner and to pay the gratuity amount for the remaining period. Therefore, along with this communication, dated 22.01.2015, this petitioner has made another representation on 06.04.2018 and filed this writ petition in the year September 2019.

2. This Court, by order, dated 22.07.2021 has ordered notice to the respondents. Thereafter, a fresh notice was also ordered on 22.08.2023 and on 09.09.2024. It appears that the respondents



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have neither settled the amount due to this petitioner nor filed any response to this writ petition as to whether this petitioner is entitled for the retirement benefits as claimed by him.

3.This writ petition and several other writ petitions, which were filed for a Mandamus have been listed for hearing before this Court on 08.11.2024, 15.11.2024, 22.11.2024, 29.11.2024, 06.12.2024 and 13.12.2024 under the caption "Mandamus Batch". This Court has directed the respective learned counsel for the respondents to file their responses in those writ petitions, which were filed for a Mandamus and directing them to consider the representations of the respective petitioners and to take a decision. Even after sufficient time has been granted to them as stated supra, the respondents have neither filed any counter nor settled the amount due to the petitioner.

4.In view of the above, this Court is inclined to allow this writ petition since the allegations made in this writ petition has



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not been rebutted. Accordingly, this writ petition is allowed. The respondents are directed to pay the eligible arrears of gratuity, pension and other benefits due to this petitioner, by considering his representation dated 06.04.2018, in the light of the Communication of the Dredging Corporation of India dated 22.01.2015, within a period of six weeks from the date of receipt of a copy of this order.

No costs.

16.12.2024

NCC:Yes/No

Index:Yes

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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.1286 of 2019

16.12.2024