



WEB COPY

WP No. 13146 of 2016



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-09-2025

CORAM

THE HONOURABLE MR.JUSTICE K. SURENDER

**WP No. 13146 of 2016
and WMP.No.11518 of 2016**

N.Shakila

Petitioner(s)

Vs

1. Union of India

Rep by Secretary to Government,
Ministry of Shipping,
No.1, Parliamentary Street,
New Delhi 110 001

2.Chennai Port Trust

Rep by its Chairman, Rajaji Salai,
Chennai 1

3.The Secretary

Chennai Port Trust, Rajaji Salai,
Chennai 1

4.The Madras Port Spillage

Handling Workers Association, Rep by
its President, No.8/15, Barracks Street,
Chennai 1

Respondent(s)



PRAYER

This Writ Petition is filed under Article 226 of Constitution of India seeking Writ of Certiorarified Mandamus to call for the records of the relating order passed by the 3rd respondent herein in No. SCT5/10627/2015/GA dt 19.01.2016 quash the same, further direct the 2nd respondents herein to issue appointment order to the petitioner.

For Petitioner(s): M/s.Subhalaxmi Samnta

For Respondent(s): M/s.P.R. Ramesh Babu, SSC for R1
M/s.M.Palanimuthu For R2 and R3

ORDER

This Writ Petition is filed seeking a Writ of Certiorarified Mandamus to call for the records relating to the order passed by the third respondent herein in No.SCT5/10627/2015/GA, dated 19.10.2016, quash the same and further direct the second respondent herein to issue appointment order to the petitioner.

2. The brief facts of the case are that the petitioner, widow of a Spillage Handling Worker Mr.S.Nehru, who died in a train accident on January 28, 2006, while on duty, seeks compassionate appointment for herself. Despite multiple representations and Court directions, the respondent/ Chennai Port Trust and others, have rejected her requests, citing various reasons, including the



termination of the Memorandum of Understanding (MOU) between the Port

Trust and the Spillage Handling Workers Association. Therefore, the petitioner

has filed this Writ Petition with the aforementioned prayer.

3. On a perusal of the application for compassionate appointment as well as the impugned order, it is evident that the respondent Port Trust has taken a stand that spillage workers are not employees of the Port Trust, as such the legal heirs of the spillage workers cannot be treated as dependants under scheme for compassionate appointment. However during the course of hearing, it is surfaced that the issue as to the status of spillage workers was the subject matter of dispute before the Arbitral Tribunal headed by the Hon'ble Justice F.M.Ibrahim Kalifulla and the said matter was resolved by passing an award dated 14.06.2023, whereby it was concluded that 93 Spillage Handling Workmen are the employees of the respondent Port Trust. The relevant paragraph from the Award is extractd hereunder:

“I. Order dated 06.12.2012, Ex.R(I)-10 and 01.08.2016, Ex.R(I)-23 Seried (7 Orders) issued by the first respondent terminating the services of the 93



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Spillage Handling Workmen are set aside and it is declared that all the said 93 Spillage Handling Workmen are/were the employees of the first respondent from the date of their entry into services. Therefore, they are entitled to the various reliefs as claimed in this respective Claim Statements.”

4. In the light of the above, the reasons assigned by the respondent Port Trust in the impugned order cannot be sustained. No doubt the correctness of the above said Award is subject matter of the dispute in Arb.O.P.No.(Commercial Division) No.509 of 2023 before this Court. As the status of the Spillage Handling Workmen was decided by the learned Arbitrator, it is for the respondent Port Trust to reconsider the claim of the petitioner herein for compassionate appointment. Further, it is represented that the dispute ie., pending in Arb.O.P.(Commercial Division) No.509/2023 is being negotiated for settlement. In the light of the above, this Court is of the considered view that this is fit case to remand for reconsideration by the respondent Port Trust.

5. Accordingly, impugned order is hereby quashed and the matter is



remitted back to the respondent Port Trust to reconsider the claim of the petitioner for compassionate appointment consequent to the demise of the late

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Mr.S.Nehru who worked a Spillage Handling Workmen in the respondents Port Turst in the light of the Award dated 14.06.2023, referred to above, and pass orders as expeditiously as possible.

6. In the result, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

K. SURENDER, J.
24-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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