



भारत सरकार / GOVERNMENT OF INDIA  
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय, मुंबई  
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

CPGRAM/GRV/2019 (2)

Date: 27.01.2020

To,

Shri Vinesh Mahla,  
Vineshmahla@gmail.com

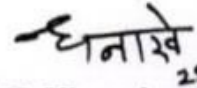
Subject: Complaint against Shipping Company Regarding Violation of MLC, 2006. – Reg.

Sir,

I am directed to refer to your mail dated 21.01.2020 on the above subject and to forward you the following:

- 1) Copy of order regarding suspension of CDC of Capt. Richard Savio Borthwick, issued by the Director, Seamen's Employment Office, Mumbai.
- 2) Copy of order regarding suspension of CDC of Shri Vidhyadhar Mahadeo Parulekar, Chief Officer, issued by the Director, Seamen's Employment Office, Mumbai.
- 3) Copy of order issued against the cancellation of COCs of both the officers.
- 4) With regards to the action against the RPSL Company, the Competent Authority ordered the RPSL Company to pay the compensation to you which has since been received, as confirmed by you in your earlier mail.

Yours faithfully,

  
28/01/2020

(D.N. Khemchandani)

Assistant Director General of Shipping

बीटा बिल्डिंग, 9वीं मंज़िल, आई थिंक टेक्नो कैंपस, कांजूर गाँव रोड, कांजूरमार्ग (पूर्व) मुंबई-400042

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power by the Master and the chief Officer in not only not providing the due medical treatment in line with Maritime Labour Convention (MLC) regulations but also executing their threat of ruining the cadet's career which is evident from the fact that the cadet is out of the job for the past more than three years.

- The company has shown total lack of empathy in dealing with the cadet's grievance so much so that neither due procedure was followed nor proper opportunity of being heard was granted to the cadet. There was utter disregard of the Principle of Natural Justice. In an email to the cadet in response to his complaint, the company's Grievance handling officer demanded that the cadet furnish evidences "**beyond reasonable doubt**" in order to substantiate his allegations. This speaks of the high handed attitude of the Company. The company, further, did not even care to enquire into the probable violation of MLC code. All along, the company acted in collusion with the Master and the Chief Officer with the sole intention to discredit the cadet which has ruined the cadet's career.


- As per regulation 4.1 of the MLC 2006, it is the duty of each flag "That all seafarers on ships that fly its flag are covered by adequate measures for the protection of their health and that they have access to prompt and adequate medical care whilst working on board." Considering the conduct of the Master and the Chief Officer, it is inferred that they contravened regulations of the MLC by not providing due medical care to the cadet at the disport at China, and even at the time of signing off at Singapore.

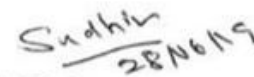
#### **Recommendation:**

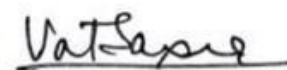
In view of the above facts and circumstances, the enquiry committee recommends that

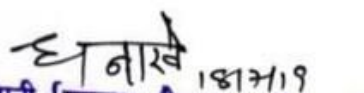
- Exemplary penal action may be taken against the Master, the Chief Officer and the Company so as to protect the interest of Indian seafarers in future.

-The cadet needs to be duly compensated for the loss of employment due to malafide intent of the Master, the Chief Officer and the Company. Therefore, suitable modalities may be worked out to arrange for the same.

  
Capt. R. Poswal,  
NS, MMD, Noida

  
Sudhir Shrivastava  
E&SS, MMD, Noida

  
Vatsalya Saxena, IRS  
DDG(F&A)

  
ध.ना.खेमचंदानी [सहायक नौवहन महानिदेशक]  
PZO/CREWS Branch,