



भारत सरकार / GOVERNMENT OF INDIA

पत्तन, पोत परिवहन और जलमार्ग मंत्रालय

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

समुद्री वाणिज्य विभाग, मुंबई / MERCANTILE MARINE DEPARTMENT, MUMBAI



No. EST/MMD/MUM/316

Date: 28.07.2022

**IN THE OFFICE OF THE FIRST APPELLATE AUTHORITY  
(THE PRINCIPAL OFFICER, MERCANTILE MARINE DEPARTMENT, MUMBAI)**

**FIRST APPEAL**

A N Line Shipping Pvt. Ltd.

....Appellant

Versus

Director, Seamen's Employment Office, Mumbai

...Respondent

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Mr. Amardeep (Managing Director, A N Line), Capt. R.K.Kadam  
(Consultant, A N Line), Mr. Sandeep Kumar (Crew Manager, A N  
Line), For Appellant.

Mr. Binish C. Varma (Assistant Director, Seamen's Employment  
Office), For Respondent.

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CORAM: CAPT. K. P. JAYAKUMAR, THE PRINCIPAL OFFICER,  
MMD, MUMBAI.

Dated: 28<sup>th</sup> July, 2022

1. This is an appeal filed by A N Line Shipping Pvt. Ltd. by the  
Managing Director Mr. Amardeep against the impugned Order no.

*[Signature]*  
28/07/2022

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SEO-14022/10/2020-SEO/290/2021, dated: 30.03.2021, passed by the Director, Seamen's Employment Office (DSEO), Mumbai.

2. The Appellant is a company incorporated under the provisions of the Companies Act as a Private Limited Company on 14.12.2016.
3. The Appellant Company was issued RPS license under the provisions of Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 on 12.06.2017 having validity till 11.06.2022.
4. The Directorate General of Shipping had issued Merchant Shipping Notice No.06 of 2018 dated 11.10.2018 which required all companies issued with RPS License to complete and update their online profile latest by 25.10.2018. The Directorate General of Shipping thereafter issued DGS Circular No.02 of 2019 dated 12.06.2019 specifying that companies issued with RPS license were required to complete and update their online RPS profile within 07 days from the issuance of the DGS circular.
5. All companies issued with RPS license were therefore required to update their online profile by 19.06.2019. However, the Appellant Company did not update its online profile even till August 2020. In view of the same, the online privileges of the Appellant Company were suspended by the DSEO on 09.08.2020.
6. The Appellant Company represented against the suspension of the online privileges. The DSEO subsequently restored the online privileges to the Appellant Company on 01.10.2020.
7. On 07.12.2020, the DSEO received a complaint from Mr. Gopal Kumar against the Appellant Company stating that an employee of the

company named Lokesh Kumar had to be paid Rs.30,000/- in his bank account and Rs.50,000/- in cash for obtaining employment.

8. The DSEO forwarded the complaint of Mr. Gopal Kumar to the Appellant Company on 12.01.2021 seeking comments in the matter. However, the Appellant Company did not respond to the email of DSEO.

9. On 21.01.2021, the DSEO issued Show Cause Notice to the Appellant Company. In the show cause notice, the DSEO specified several aspects including non-uploading of certain documents of ships in the online portal by the Appellant Company and the grievance of Mr. Gopal Kumar regarding the need to pay money to obtain employment.

10. The Appellant Company replied to the show cause notice on 17<sup>th</sup>, 18<sup>th</sup> and 19<sup>th</sup> February, 2021. In the reply, Appellant Company intimated that Mr.Lokesh Kumar was not an employee of the company.

~~11. The DSEO, subsequently, gave the Appellant Company the opportunity of personal hearing. The notice for hearing was issued on 04.03.2021 and the hearing was scheduled on 09.03.2021 at 1130 hrs. The notice was communicated through e-mail to the official e-mail id of the company and also by speed post.~~

12. The Appellant Company did not appear for the hearing on the scheduled date. Instead, on 12.03.2021, the Appellant Company vide E-mail and by post intimated that the notice of hearing was received by them only on 12.03.2021 (i.e., after the date of hearing). The

matter. This is despite the fact that such malpractice would affect the reputation of the company.

16. During the hearing, the company accepted that due to their inefficient staff earlier, they could not comply with the requirements of the MS (RPS) Rules, 2016 and submitted their apologies. The Appellant Company also requested that since they have learnt the lesson and have appointed trained staff, and as they have business in hand, they requested that the withdrawal order of RPS License issued by DSEO order may be revoked.

17. During the hearing, the Appellant Company was also informed about the grievances received against the Appellant Company from Shri Akshay Lad alleging payment of service charge to RPS provider and from Shri Abhijit Kumar Singh and Shri Jaskaran Singh wherein they have stated that RPS provider took service charge from them via Tritiya Maritime Academy.

18. The Managing Director clarified that even-though he was also a Director on the board of Tritiya Maritime Academy, he was not fully aware of the functioning of the Tritiya Maritime Academy as it was run by his wife.

**ORDER:**

19. Based on the above facts, the Appellant Company has not brought out any infirmity in the Order no. SEO-14022/10/2020-SEO/290/2021, dated: 30.03.2021, passed by the Director Seamen's Employment Office (DSEO), Mumbai.

  
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20. Also, the Grounds of appeal appears to be that the Company has learnt the lesson and appointed trained staff and as they have business in hand, they requested for withdrawal of order issued by DSEO. However, no corrective action appears to have been taken to ensure that seafarers do not have to pay remuneration to obtain employment.

21. In this context, section 97 of the Merchant Shipping Act is as follows:

*Receipt of remuneration, donation, fees, etc., from seamen for shipping them prohibited.—*


*(1) A person or company or organisation including a union purporting to represent the interests of seamen shall not demand or receive, either directly or indirectly, from any seaman or person seeking employment as seaman or any person on his behalf, any remuneration or donation or fees or compulsory subscription of any kind attributable from such seaman or person's employment as seaman, other than the fees authorised by this Act.*

*(2) It shall be the duty of the company employing or proposing to employ person as seaman to ensure that no money has been demanded or received by any person or company or organisation including the union purporting to represent the interests of seamen by way of any remuneration or donation or fees or compulsory*

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*subscription of any kind attributable to employment of such person as seaman,*

22. Since the Appellant Company does not appear to have taken action to ensure that seafarers do not have to pay remuneration to obtain employment, and, since there is no infirmity in the order passed by DSEO, and, as there is no violation of the principles of natural justice, no interference in the order issued by the DSEO is warranted. Hence the Appeal is hereby dismissed as it is devoid of merit and the matter is disposed of accordingly.

  
(CAPT. K. P. JAYAKUMAR)  
PRINCIPAL OFFICER  
&  
FIRST APPELLATE AUTHORITY