

(104) OLR No.11 of 2016

In the matter of Payment of Ex-Gratia to Company Paid Staff

Present: Mr. Deepankur Sharma, Advocate with
Mr. D.K. Singh, Advocate for the applicant.

This application is filed for seeking permission to pay ex-gratia to Company Paid Staff (CPS) working in the Office of the Official Liquidator, Chandigarh on account of Deepawali Festival for the financial year 2015-16.

It is averred in the application that there are 16 CPS including two peons, working in the office of the Official Liquidator who are being paid from the Common Pool Fund Account. The said CPS were appointed by the Official Liquidator with prior permission of the Court. It is further averred that as per order dated 2.11.2006 passed in CA No.453 of 2006, sanction was granted to create separate Common Pool Fund Account and the Official Liquidator was permitted to transfer 10% of the interest income being received on the investment of funds of the Companies (in liqn) by the Office of the Official Liquidator to Common Pool Fund Account w.e.f. 1.4.2006. As on 30.09.2016 the amount lying in the Common Pool Fund Account was ₹7,35,84,000/-. It is submitted that the Central Government is paying ad-hoc bonus to only those employees who were in service as on 31.3.2016 and have rendered at least six months of continuous service during the year 2015-16 on the eve of Deepawali. The Central Government granted adhoc bonus as equivalent to 30 days emoluments for the financial year 2015-16 vide Central Government circular No.7/24/2007/E III(A) dated 03.10.2016. The overall ceiling is fixed for ₹7,000/-, multiplied by 30 days, divided by 30.4 days, which comes to ₹6,907.89/- (rounded of

₹6,908/-). Last year i.e. 2014-15 Central Government staff was paid ₹3,454/- in the same calculation and in this regard, office memorandum dated 16.10.2015 in respect of monthly emolument of ₹3,500/- and the office memorandum dated 3.10.2016 in respect of monthly emolument of ₹7,000/- as revised with effect from 1.04.2014 vide OM No.7/4/2014 E.III (A) dated 29.8.2016 are also attached. Reference is also being made to an order passed by the Registrar (Judicial) of this Court granting permission to Official Liquidator to pay ex-gratia @ ₹3,000/- to the CPS for the financial year 2014-2015.

After hearing learned counsel appearing for the Official Liquidator and keeping in view the previous orders passed even on the administrative side in respect of the same grant of ex-gratia for the festival of Deepawali, the present OLR is hereby allowed and permission is granted to the Official Liquidator to pay from the Common Pool Fund Account to the CPS ex-gratia for the financial year 2015-16 to the tune of ₹6,000/- per person but it shall be paid proportionately for the period of their work.

With these observations, the present OLR is hereby disposed of.

(RAKESH KUMAR JAIN)
JUDGE

18.10.2016
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