

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No. 6832 of 2019

1. B.Vijayakumari
2. S.Meenakshi
3. V.Jebamani Kezia Deva Kirubai
4. S.Annapoorna
5. B.D.Geetha
6. T.Mohanbabu
- 7.* **A.Anandan**

..Petitioners

Vs.

1. The Union of India
Rep. by its Secretary to Govt. of India
The Ministry of Corporate Affairs
5th Floor, Shastri Bhavan
'A' Block,
Dr.Rajendra Prasad Road
New Delhi - 110 001.
2. The Ministry of Corporate Affairs
Rep. by the Regional Director
5th Floor, Shastri Bhavan
No.26, Haddows Road
Chennai - 600 006.
3. The Official Liquidator
Department of Corporate Affairs
Corporate Bhavan, II Floor
No.29, Rajaji Salai
Chennai - 600 001.

..Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to absorb/regularize the petitioners as regular lower division clerks in the office of the respondents with effect from the respective date of their appointment as estate clerks and further direct to grant the benefits of pay fixation and all admissible allowances, arrears of salary and other consequential benefits and allowances including promotion from the date of the petitioners initial appointment.

For Petitioners : Mr.A.P.Suryaparakasam

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to regularize the services of the petitioners under Grade-D services in the office of the Official Liquidator at Chennai.

2. The grievances of the writ petitioners are that they were appointed in Group-D services by the Official Liquidator, High Court of Judicature, Madras during the year 1981, 1982, 1983, 1984 and 1989 respectively. All the writ petitioners are serving in the office of the Official Liquidator for a considerable length of time.

3. The learned counsel for the writ petitioners brought to the notice of this Court that even now all these writ petitioners are serving in the Office of the Official Liquidator.

4. The petitioners' services are yet to be regularized and the respondents are delaying the benefit of regularization on the ground that vacancies are not available. The learned counsel for the writ petitioner reiterated that the writ petitioners were also entitled for regularization based on the judgement of the Hon'ble Supreme Court of India and in view of the fact that, several other similarly placed persons had already been regularized with reference to the judgement of the Apex Court of India. Thus, the same benefit is to be extended to the writ petitioners also as they are also working in the Office of the Official Liquidator along with the other writ petitioners for a considerable length of time.

5. As far as the present writ petition is concerned, the learned Senior Counsel made a submission that pursuant to the orders of the Hon'ble Supreme Court of India dated 04.11.2008, the scheme was framed akin to that of the scheme framed during the year 1978. Accordingly, many number of persons were absorbed in the regular vacancies and all those employees are now working as permanent employees in the time scale of pay. However, the case of these petitioners were not considered on account of the fact that the vacancies are not available in the department.

6. The learned Senior Counsel fairly made a submission that in the event of availability of vacancies in the department, the cases of the writ petitioners will be considered for grant of regularization. In view of the said submission, this Court is inclined to pass the following order.

1. The respondents are directed to regularize the services of the writ petitioners soon after the availability of vacancy in Group-D services.
2. The service benefits as per the rules are to be extended

to the writ petitioners whose services are yet to be regularized in the event of their regularization in the permanent vacancies.

7. With these directions, the writ petition stands disposed of. No Costs.

Kmm

Sd/-
Assistant Registrar(CS IV)
Dated: 11/03/2019

Sd/-
Sub Assistant Registrar(CO)
Dated: 04/03/2020

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Union of India
Rep. by its Secretary to Govt. of India
The Ministry of Corporate Affairs
5th Floor, Shastri Bhavan
'A' Block,
Dr.Rajendra Prasad Road
New Delhi - 110 001.

To be substituted to the
order already
despatched on 02/07/2019

2. The Ministry of Corporate Affairs
Rep. by the Regional Director
5th Floor, Shastri Bhavan
No.26, Haddows Road
Chennai - 600 006.

3. The Official Liquidator
Department of Corporate Affairs
Corporate Bhavan, II Floor
No.29, Rajaji Salai
Chennai - 600 001.

+1cc to Mr.A.P.Suriya Prakasam, Advocate, SR.No.24089

W.P.No.6832 of 2019

Kak(31/05/2019)

GN(04/03/2020)