

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.04.2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.11094, 11096, 11099,
11100, 11105 & 11106 of 2019

W.P.No.11094 of 2019

K.Jayanthi ... Petitioner in WP.No. 11094 of 2019
D.Indrani ... Petitioner in WP.No. 11096 of 2019
M.Ravikumar ... Petitioner in WP.No. 11099 of 2019
K.Sharmista ... Petitioner in WP.No. 11100 of 2019
R.Rajalakshmi ... Petitioner in WP.No. 11105 of 2019
S.Sivakumar ... Petitioner in WP.No. 11106 of 2019

vs

1.The Union of India,
Rep.by its Secretary to Government of India,
The Ministry of Corporate Affairs,
5th Floor, Shastri Bhavan,
'A' Block, Dr.Rajendra Prasad Road,
New Delhi - 100 001.

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

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

..Respondents in all WPs

Prayer: Writ Petition are filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to absorb/ regularize the petitioner as regular lower division clerk in the office of the

3rd respondents with effect from the respective date of appointment on 29.03.1993, 01-11-1996, 29-10-1984, 13-03-1995, 23-10-1996 and 14-06-1990 respectively as Estate Clerks and further direct to grant the benefit of pay fixation and all admissible allowances arrears of salary and other consequential benefits and allowances including promotion in the service from the date service of initial appointment on 29.03.1993, 01.11.1996, 29.10.1984, 13.03.1995, 23.10.1996 and 14.06.1990 respectively.

For Petitioners : Mr.K.Jayaraman(in all W.Ps)

C O M M O N O R D E R

The relief sought for in the present writ petitions is for a direction to direct the respondents to absorb/regularize the petitioners as regular lower division clerks in the office of the 3rd respondent with effect from the respective date of their appointments on 29.03.1993, 01.11.1996, 29.10.1984, 13.03.1995, 23.10.1996, 14.06.1990 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 in the service from the date of their initial appointments on 29.03.1993, 01.11.1996, 29.10.1984, 13.03.1995, 23.10.1996, 14.06.1990.

2. The grievance of the writ petitioners are that they were appointed as an Estate Clerks otherwise termed as "Company Paid Staff" by first respondent on 29.03.1993, 01.11.1996, 29.10.1984, 13.03.1995, 23.10.1996, 14.06.1990 and continuing their services for more than 20 years at the office of the third respondent at Chennai.

3. The learned counsel for the writ petitioners brought to the notice of this Court that the company paid staff of the office of the Court liquidator in Calcutta High Court directed the respondents to give full status of permanent Central Government employees with consequential benefits and Division Bench of the Calcutta High Court has also confirmed the single Judge order and dismissed the appeal preferred by the Union of India.

4. The learned counsel for the writ petitioners reiterated that the writ petitioners were also entitled for regularization based on the judgment of the Honourable Supreme Court of India and in view of the fact that, the writ petitioners had already been regularized with reference to the judgment of the Apex Court of India. Thus, the same benefit is to be extended to the writ petitioners and working in the office of the Court

Liquidator for a considerable length of time.

5. The learned counsel for the writ petitioners further submitted that pursuant to the orders of the Honourable Supreme Court of India dated 30.06.2017, 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.

6. The subsequent amendment made in the service rules shall not affect the interest of the employees, who had already been appointed in the services and further the benefit of regularization had already been extended to all other similarly placed employees. Thus, the amended service rules shall not have any application with reference to these writ petitioners, whose services are yet to be regularized by the respondents in accordance with the judgment of the Honourable Supreme Court of India and the scheme formulated by the respondents for absorption/regularization.

7. The learned counsel for the writ petitioners fairly made a submission that, in the event of availability of vacancies in the department, the case 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 orders.

(1) The respondents are directed to regularize the services of the writ petitioners, soon after the available of vacancy in lower division clerks.

(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.

(3) It is made clear that the respondents shall not insist the amended educational qualification of SSLC in respect of the writ petitioners, whose services are yet to be regularized based on the judgment of the Honourable Supreme Court of India and as per the scheme formulated.

8. With these directions, all the writ petitions stand disposed of. No Costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government of India,
Union of India,
The Ministry of Corporate Affairs,
5th Floor, Shastri Bhavan,
'A" Block, Dr.Rajendra Prasad Road,
New Delhi - 100 001.

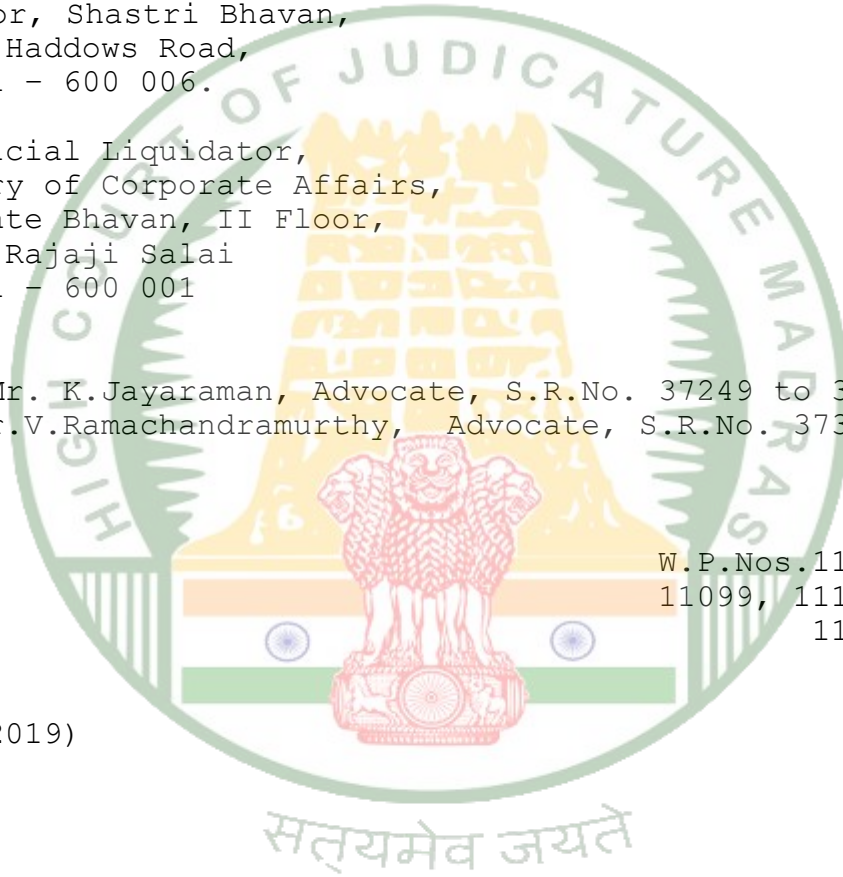
2.The Regional Director,
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Chennai - 600 006.

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

+12cc to Mr. K.Jayaraman, Advocate, S.R.No. 37249 to 37254
+1cc to Mr.V.Ramachandramurthy, Advocate, S.R.No. 37373

W.P.Nos.11094, 11096,
11099, 11100, 11105 &
11106 of 2019

NRJK (CO)
GN(10/05/2019)



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