



W.P.(MD) No.19113 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM:

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.19113 of 2023

Debts Recovery Tribunal
Madurai Bar Association
IV Floor, Kalyani Towers
Melur Road, Madurai
rep.by its Secretary M.Senthil Kumar

... Petitioner

-vs-

- 1.The Union of India
rep.by its Secretary
Ministry of Finance
(Banking Division)
Room No.129-B, Jeevan Deep Building
Parliament Street
New Delhi-110 001
- 2.The Chairperson
Debts Recovery Appellate Tribunal
D.No.55, IV Floor, Ethiraj Salai
Chennai-600 008
- 3.The Registrar
Debts Recovery Appellate Tribunal
D.No.55, IV Floor, Ethiraj Salai
Chennai-600 008



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4.The Registrar
Debts Recovery Tribunal
IV Floor, Kalyani Towers
Melur Road, Madurai-625 107

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to consider the representation of the petitioner dated 18.08.2020 and fill up the vacant posts in D.R.T.Madurai at the earliest or within a time stipulated by this Court.

For Petitioner : Mr.V.Veerapandian
for M/s.Vast Law Associates

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India
assisted by Mr.V.Malaiyendran
Central Government Standing Counsel for R1
No appearance for R2 to R4

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

We have heard Mr.V.Veerapandian, learned counsel representing M/sVast Law Associates for the petitioner and Mr.K.Govindarajan, learned Deputy Solicitor General of India assisted by Mr.V.Malaiyendran, learned Central Government Standing Counsel, for the first respondent.



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2. The grievance of the petitioner appears to be that vacancies in the Debts Recovery Tribunal, Madurai, are not filled in.

3. Learned Deputy Solicitor General of India appearing for the first respondent submits that out of 27 vacancies in the sanctioned strength of staff, 26 vacancies are filled in. Out of 26 staff, 20 staff are filled in through regular employment and 6 staff are filled in on contract basis. Only one vacancy exists and that vacancy arisen only in the last month.

4. Learned counsel for the petitioner submits that those, who were appointed on contract basis, are not in a position to cope up with the work. The persons to be appointed on contract basis also have to possess the necessary basic qualification for appointment.

5. The Union of India shall endeavour to fill in the vacancies by regular employment. The appointment on contract basis would only be a stop gap measure. Efforts shall be made to fill in the sanctioned posts by regular employment. The process shall be undertaken for filling in the remaining posts, which are vacant and wherein the staff are appointed on contract basis, by regular employment, expeditiously.



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6. With the above observation, the writ petition stands disposed of.

No costs.

[S.V.G., .C.J.]

[L.V.G., J.]

01.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

krk

To:
The Secretarty,
Union of India,
Ministry of Finance,
(Banking Division),
Room No.129-B, Jeevan Deep Building,
Parliament Street,
New Delhi-110 001.



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THE HONOURABLE CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

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