



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Official Liquidator Report No. 1 of 2024

[In the matter of employment/services of Company Paid Peon(MTS)]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. S. V. Deshpande, Advocate for the Official Liquidator
Ms. U. P. Parmar, Official Liquidator

CORAM : ANIL L. PANSARE J.

DATED : 18-10-2024

On 18-10-2019, following order was passed.

“The official liquidator who is present in the Court states that Shri Jitendra Mangre is the only Peon working, at present.

In this view of the matter, the official liquidator is permitted to extend the tenure of Shri Jitendra Mangre for a further period of one year w.e.f. 05.11.2019, on purely temporary basis.”

The Official Liquidator is seeking permission to extend the tenure of service for one year of Shri Jitendra Mangre as Company Paid Peon (MTS) with effect from 8-11-2024 for one year or until further orders on the same terms and conditions as mentioned in order dated 20-4-2018.

Mr. Deshpande, learned Counsel for Official Liquidator has invited my attention to Rule 308 of the Companies (Court) Rules, 1959, which according to him is a provision that enables this Court to permit appointment or extension of tenure of the staff for smooth functioning of the Office of Official Liquidator. Rule 308 reads as under :

“308. Employment of additional or special staff. – Where the Official Liquidator is of opinion that the employment of any special or additional staff is necessary in any liquidation, he shall apply to the Court for sanction, and the Court may sanction such staff as it thinks fit on such salaries and allowances as to the Court may seem appropriate.”

As could be seen, the employment of any special or additional staff if found necessary in any liquidation, the Court may sanction such staff on such salaries and allowances as the Court may seem appropriate. Thus, the Court in a particular liquidation proceedings, considering the nature of liquidation, if found necessary, may permit the Official Liquidator to employ special or additional staff. Such employment, to my mind would not include the regular employment in the Office of the Official Liquidator.

It is worth mentioning here that Office of the Official Liquidator is under the control of Ministry of Corporate Affairs. The Official Liquidator has been appointed by the Ministry of Corporate Affairs. Naturally, to assist the Official Liquidator, there has to be sanctioned staff. I am informed by the Official Liquidator that sanctioned staff is as follows.

Junior Technical Assistants - 2

Senior Technical Assistant - 1

Multi Tasking Staff (MTS) - 1.

When enquired, the Official Liquidator submits that the post of Junior Technical Assistants and Senior Technical Assistant has been filled. So far as MTS is concerned, the Regional Director has ordered transfer of

one MTS, which will take effect from 1-1-2025. Thus, the post of MTS is lying vacant.

Mr. Deshpande, learned counsel submits that there is a vacant post of Company Paid Peon and the present incumbent is appointed on the said post in terms of order passed by this Court. Accordingly, request is made to continue the appointment on the conditions mentioned in order dated 20-4-2018.

As stated earlier, I do not find any provision by which the Court could either permit such appointment or continue the same. The Official Liquidator is accordingly directed to place on record the rules of appointment of so called Company Paid Peon, if at all, the post has been created and sanctioned by the Central Ministry enabling the Court to permit employment under the head of 'Company Paid Peon'.

In the meantime, the Regional Director shall take necessary steps to fill in the post of MTS with immediate effect and in any case prior to 8-11-2024.

The Official Liquidator shall serve copy of the order upon the Regional Director, Western Region, Mumbai.

Stand over to 25-10-2024.

(Anil L. Pansare, J.)