



Comp.A.Nos.317 to 322 of 2023

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C.SARAVANAN, J.

These applications have been filed for various reliefs to increase the consolidated salary of 45 staffs engaged at the Office of the Official Liquidator pursuant to the order of this Court under Rule 309 & 310 of Companies (Court) Rules, 1959.

2. These applications have been filed seeking to direct the Official Liquidator to pay the Dearness Allowances, House Rent Allowances, Travelling Allowances etc. on par with the Government employees. It is submitted that these employees have been working for a long period are still being paid a consolidated pay which is contrary to the philosophy of employment which governs the country.

3. The Official Liquidator has filed a detailed report dated 22.11.2023 wherein it has been mentioned that as on 14.10.2023, the amount that is available in the Office of the Official Liquidator for meeting out the salaries and other expenses is Rs.2.71 Crores and that a sum of Rs.16,74,456/- is to be spent every month for paying consolidated salary to



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35 Estate Assistants and 10 Estate Attenders. That apart 15 of these Company Paid Staffs are due to retire in the next five years. Further, a sum of Rs.1,20,00,000/- will have to be approximately spent to meet out the terminal benefits to 15 of such staffs. Thus, it is submitted that the request of the applicants are incapable of being considered. That apart the report indicates that the amounts have been paid pursuant to the orders of this Court under Rule 309 & 310 of Companies (Court) Rules, 1959 from time to time.

4. I have considered the submissions made by the learned Senior Counsel for the applicants and the learned Deputy Official Liquidator. These common paid staffs are employed in the capacity of Estate Staff as Assistant and Attender. The role of the Official Liquidator in winding up of the company has been reduced substantially with the enactment of the Companies Act 2013 and IBC Code, 2016. The funds that were available earlier have reduced drastically. Under these circumstances, the question of granting further relief to the applicants based on the available fund position is not feasible. Considering the facts that these staffs have been employed by the Official Liquidator, I am of the view that the interest of these



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Company Paid Staffs engaged in the capacity of Estate Staff Assistants and Estate Staff Attenders can be addressed by the concerned Ministry for regularising their services on par with Government staffs. Therefore, these applications are closed with liberty to the applicants to approach the concerned Ministry for regularising their services to considering their plight that they have put in for substantially long period of service in the Office of the Official Liquidator as Company Paid Staff in the capacity of Estate Staff Assistants and Estate Staff Attenders. In case fund position improves, the Official Liquidator office is also directed to *suo moto* approach this Court for revision of the salary payable to these employees as they have been working for a long period and may not get any employment as they attained the age of superannuation in times to come.

5. Learned counsel for the Official Liquidator confirms that the Office of the Official Liquidator is governed by provisions of the RTI, therefore, the applicants may seek the information regarding the fund position.

6. With the above liberty these applications stands closed.



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