

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
Contempt Petition No. 180/00089/2008 in
Original Application No.249 of 2002

Thursday, this the 25th day of October, 2018

CORAM:

Hon'ble Mrs. P.Gopinath, Administrative Member
Hon'ble Mr.Ashish Kalia, Judicial Member

1. P.P.Bridget, W/o.John Charles, aged 51 years
Estate Clerk, Office of the Official Liquidator
High Court of Kerala, Company Law Bhavan, BMC Road
Thrikkakara, Ernakulam-21, residing at Naduvilaparambil House
Karshaka Road, Vaduthala P.O, Kochi-23
2. K.Nandakumar, S/o the late M.Padmanabhan, aged 45years
Lower Division Clerk, Office of the Registrar of Companies
1st floor, Company Law Bhavan, Thrikkakara, Ernakulam-21
residing at A-23CPWO Quarters, Kunnumpuram
Kakkanad, Kochi-30
3. V.Kuppa Latha, W/o.Vijayakumar,aged 50 years
Estate Clerk, Office of the Official Liquidator
High Court of Kerala, Company Law Bhavan, BMC Road
Thrikkakara, Ernakulam-21, residing at
St.House (Selasteen House) Senoy Flower Mill
Thykooram, Vytila, Cochin-19
4. K.S.Sasidharan, S/o.Late N.V.Kochuraman Menon
aged 51 years, Estate Clerk, Office of the Official Liquidator
High Court of Kerala, Company Law Bhavan, BMC Road
Thrikkakara, Ernakulam-21, residing at V/969,Gokulam
Gopalakrishna Avenue, Mattanchery, Cochin- 2
5. P.P.George, S/o the late Ouseph Pappu, aged 44 years
Lower Division Clerk, office of the Official Liquidator
High Court of Kerala, Company Law Bhavan, BMC Road
Thrikkakkara, Ernakulam-21, residing at
Pothanveettil, Kumbalam P.O, Kochi -682 506
6. Jossy Cyriac, S/o.the late Cyriac, aged 44 years
Estate Clerk, Office of the Official Liquidator
High Court of Kerala, Company Law Bhavan, BMC Road
Thrikkakara, Ernakulam – 21, residing at
2/101-B,Chackiyalil House, Moolepadam Road
Vazhakkala, Ernakulam-30

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Petitioners

(By Advocate – Mr.O.V.Radhakrishnan,Sr with Mrs.K.Radhamani Amma)

V e r s u s

1. Anurag Goel, S/o. Not known to the petitioners aged about 55 years, Secretary to the Government of India Ministry of Corporate Affairs
Shastri Bhavan, A' Wing, 5th Floor
Dr.Rajendra Prasad Road
New Delhi-110 001
2. B.K.Bansal, S/o. not known to the petitioners aged about 50 years, Regional Director
Ministry of Corporate Affairs, 'Shastri Bhavan'
A'Wing, 5th Floor, 26, Haddows Road
Chennai – 600 006
3. Injeti Srinivas IAS (OR 83)
S/o. not known to the petitioners, aged about 57 years
Secretary in the Ministry of Corporate Affairs
Shastri Bhavan, A'Wing, 5th Floor
Dr.Rajendra Prasad Road
New Delhi – 110 001
4. M.Chandanamuthu
S/o. not known to the petitioners, aged about 59 years
Joint Director in charge of Regional Director
Ministry of Corporate Affairs, 5th Floor
'Shastri Bhavan', 26 Haddows Road
Chennai-600 006
5. Marpalli Raghunatha Bhat
S/o not known to the petitioners, aged 57 years
Regional Director, Ministry of Corporate Affairs
5th Floor, 'Shastri Bhavan', 26 Haddows Road
Chennai – 600 006

..... **Respondents**

(By Advocate – Mr.N.Anilkumar,SCGSC)

This Contempt Petition having been heard on 25.10.2018, the Tribunal on the same day delivered the following:

ORDER(ORAL)**By Hon'ble Mrs.P.Gopinath, Administrative Member**

Learned counsel for the respondents has filed affidavit dated 6.10.2018 in CP(C) 89/2008, wherein 9 petitioners in O.A 249/2002 were absorbed into Government service as regular Lower Division Clerks with effect from their respective dates of appointment as Estate Clerks and have also furnished the details governing their appointment. In para 5 of the said Annexure R-5(j), respondents also state that the appointment into Government Service will be treated as duty for grant of increment, leave sanction, financial upgradations under the Assured Career Progression Scheme, Modified Assured Career Progression Scheme, bonus as applicable according to the rules in force, and the officials are also covered under the CCS(Pension) Rules, 1972.

2 There has been substantial compliance of the order of this Tribunal. However, according to the learned counsel, petitioners are not in receipt of pension. Learned counsel for the respondents submits that he requires 6 months time to complete the process.

3 We close this CP(C) with a direction to the respondents to file a compliance report, regarding payment of pension benefits to all the petitioners, within 3 months from the date of receipt of a copy of this order with an advance copy to the learned counsel for the petitioners. Notices shall stand discharged.

**(ASHISH KALIA)
JUDICIAL MEMBER**

**(P.GOPINATH)
ADMINISTRATIVE MEMBER**

List of Annexures

Annexure P1 - Photocopy of the Order dated 31.3.2004 in O.A No.249 of 2002 of this Tribunal

Annexure P2 - Photocopy of the judgment in WP(C) No.22810/2004 dated 28.2.2008 of the Hon'ble High Court of Kerala.

Annexure P3 - Photocopy of the representation dated 30.4.2008 of the 2nd petitioner to the 2nd respondent

Annexure P4 - Photocopy of the representation dated 30.5.2008 of the petitioners 1,3,4 and 5

Annexure R1 - True copy of the judgment dated 4.11.08 in Civil Appeal No.2985 of 07

Annexure P5 - Photocopy of the order dated 17.2.2009 in CP(C) No.89 of 2008 in O.A No.249 of 2002 of this Tribunal

Annexure P6 - Photocopy of the Order dated 16.5.2017 in Civil Appeal No.5564 and 5565 of 2010 of the Hon'ble Supreme Court

Annexure P7 - Photocopy of the representation dated 2.6.2017 of the 2nd applicant to the 2nd respondent

CP Annexure – R4(a) - True copy of Ministry's letter No.A-42011/27/2008-Insolvency dated 23.2.2018

CP Annexure – R4(b) - True copy of record of proceedings of Supreme Court in R.P No.451 of 2018 in Civil Appeal No.5564 of 2010 with I.A No.24256/2018

CP Annexure R4(c) - True copy of order of Supreme Court in R.P No.451 of 2018 in Civil Appeal No.5564 of 2010

CP Annexure R4(d) - True copy of office order dated 8.3.2018 issued by the 4th respondent

Annexure R5(a) - True copy of the letter No.A-42011/27/2008-Insolvency dated 23.2.2018 and 4.7.2018

Annexure R5(b) - True copy of the letter No.A-42011/27/2008-Insolvency dated 23.2.2018 and 4.7.2018

Annexure R5(c) - True copy of the True Office Order dated 8.3.2018

Annexure R5(d) - True copy of the Compliance Affidavit

Annexure R5(e) - True copy of the letter dated 18.7.2018, issued by the Competent Authority

Annexure R5(f) - True copy of the letter dated 1.8.2018

Annexure R5(g) - True copy of the letter dated 17.8.2018

Annexure R5(h) - True copy of the letter No.A-42011/27/2008-Insolvency dated 23.2.2018

Annexure R5(i) - True copy of the letter No.A-42011/27/2008-Insolvency dated 4.7.2018

Annexure R5(j) - True copy of the office order dated 19.9.2018

Annexure R5(k) - True copy of the ACP (No.25) office order in F.No.1(133)/ACP/MACP/2018 dated 19.9.2018

Annexure R5(l) - True copy of the MACP (No.26) office order in F.No.1(133)/ACP/MACP/2018 dated 19.9.2018

Annexure R5(m) - True copy of the letter in F.No.1(48)/2018 dated 19.9.2018

Annexure R5(n) - True copy of the e-mails dated 25.9.2018, received from PAO, Chennai intimating that the arrear bills have been passed for payment

Annexure R5(o) - True copy of the letters received from the 9 applicants intimating the receipt of the arrears in their respective accounts.

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