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SLP(C)No. 12224 OF 2003
ITEM No.1 & 6

Court No. 3

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.12224/2003

(From the judgement and order dated 11/07/2003 in WP 18941/03
of The HIGH COURT OF JUDICATURE OF MADRAS)

T.K. RANGARAJAN

Petitioner (s)

VERSUS

GOVT. OF TAMIL NADU & ORS.

Respondent (s)

(With Appln(s). for exemption from filing c/c of the impugned Judgment, with prayer for interim relief and modification)
(For further orders)

With

SLP(C)No.12577/2003

[C. KUPPUSAMI VS. STATE OF TAMIL NDU & ANR.]

(With appln. for directions and with prayer for interim relief)

SLP(C)No.13102/2003

[ALL INDIA TRADE UNION CONGRESS VS. STATE OF TAMIL NADU]

(With prayer for interim relief and appln. for modification)

W.P(C)No.298/2003

[L.S.M. HASAN FIZAL VS. STATE OF TAMIL NADU]

(With appln. for ex-parte stay)

W.P(C)No.308/2003

[H. MOHAMMED RAFI VS. STATE OF TAMIL NADU & ANR.]

(With appln. for ex-parte stay)

W.P(C)No.330/2003 (For prel. hearing)

[D.V. PADMANABAN VS. GOVERNMENT OF TAMIL NADU]

(With appln. For ex-parte stay)

W.P. (C) NO. 340/2003

[ALL LIVING BEINGS & ENVIRONMENTAL VS. STATE OF TAMIL NADU & ORS.]

Date : 05/08/2003 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner (s)

in SLP 12224/03 Dr. Rajeev Dhavan, Sr. Adv.

Ms. R. Vaigai, Adv.

Mr. S.R. Setia, Adv.

In WP 298/03Mr. P. Chidambaram, Sr. Adv.

Ms. Nalini Chidambaram, Sr. Adv.

Mr. Sanjeev Kumar Singh, Adv.

Mr. Bhargava V. Desai, Adv.

In SLP 12577/03Mr. T.R. Andhiyarujina, Sr. Adv.

Mr. R. Mohan, Sr. Adv.

Mr. R. Shanmugasundaram, Sr. Adv.

Mr. V.G. Pragasam, Adv.

In WP 308/03Ms. Indu Malhotra, Adv.

In SLP 13102/03Mr. Jitendra Sharma, Sr. Adv.
Mr. B.K. Pal, Adv.
Mr. S.N. Jha, Adv.

In WP 330/03Mr. R. Nedumaran, Adv.
Mr. Beno Benzigar, Adv.

In WP 340/03Mr. C. Aravindh, Adv.
Mr. P.V. Yogeswaran, Adv.
For Respondent (s)
in all mattersMr. K.K. Venugopal, Sr. Adv.
Mr. P.P. Rao, Sr. Adv.
Mr. T.R. Chandran, Adv. Genl. For
the State of Tamil Nadu
Mr. Somaya Julu, Sr. Adv.
Mr. V. Balaji, Adv.

Mr. P.N. Ramalingam, Adv.

UPON hearing counsel the Court made the following
O R D E R

W.P.(C) No. 340/2003

The writ petition is dismissed.

Rest of the matters

List on 6th August, 2003 for pronouncement of orders.

KALYANI (JANKI BHATIA)
COURT MASTER

Learned senior counsel Mr. K.K. Venugopal has tendered an additional affidavit wherein it has been clarified as under:-

1

Total number of Government Servants dismissed as per Section 7 of TESMA and teachers of Aided Colleges suspended.

1,70,241

2

Total number reinstated so far, as per the statement made before this Hon'ble Court

1,56,106

3

NUMBER OF EMPLOYEES AND TEACHERS NOT REINSTATED

14,135

CATEGORIES OF EMPLOYEES AND GOVERNMENT TEACHERS
WHO CANNOT CLAIM A RIGHT TO BE REINSTATED

A
Government servants arrested
2, 211

B
Secretariat staff for the reasons mentioned earlier
2, 215

C
Officers holding higher position
534

D
Government servants (other than the Secretariat staff) involved in offences under Section 5 or
Section 5 read with Section 4 of TESMA

1,112

TOTAL NUMBER OF PERSONS WHO CANNOT CLAIM A RIGHT TO BE REINSTATED

6,072

REMAINING NUMBER OF EMPLOYEES WHOM THE STATE GOVERNMENT IS WILLING TO REINSTATE

8,063

In the categories (b) and (c), i.e. Secretarial staff of 2,215 and officers holding higher position namely 534, it is made clear that they would be treated as suspended instead of dismissal. He further makes a statement that with regard to the representations which are made or are

to be made by the employees who are in category (a), (b), (c) and (d) this would be considered by three retired High Court Judges to be named by the Chief Justice of the High Court of Judicature at Madras. Each Judge would decide approximately representations of 2,000 employees within a period of one month from the date of allocation of work to them. A convenience place would be made available to all the three Judges and the secretarial staff as well by the State Government within a period of seven days from today without stating that they have no sufficient accommodation or the staff. It would be considered to be a direction to the State Government. The concerned Judges would decide the representation and the say of the State Government on most equitable ground without taking into consideration Section 7(7) of the Ordinance, as far as possible, in accordance with the Conduct Rules. Retired Judges to be paid honorarium at the rate of Rs. 50,000/- per month. All the three Judges would evolve a common procedure for disposing of the representations and the satisfaction made by the concerned Judges would be binding on the State Government.