



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**COMPANY APPLICATION NO.48/2024 IN COMPANY PETITION NO.3/2010**

(In the matter of Employment/Services of Peon (MTS) Under Rules 308 and  
309 of the Companies (Court) Rules, 1959 )

In the matter of M/s. Mahadeo Land Developers Pvt. Ltd. (In Liquidation)

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

Court's or Judge's orders

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Mr. U. S. Khomane, Deputy Official Liquidator.

**CORAM : ANIL L. PANSARE, J.**

**DATE : DECEMBER 14, 2024**

By present application, the Official Liquidator is seeking permission to appoint Mr. Jitendra Mangre, Peon (MTS), with effect from 08.11.2024 in liquidation proceeding initiated against M/s. Mahadeo Land Developers Pvt. Ltd. till dissolution of the company on terms and conditions as mentioned in order dated 20.04.2018 and to permit the Official Liquidator to pay salary and allowances from the Common Pool Fund Account, which is maintained by the Official Liquidator.

2. This application has been filed under Rules 308 and 309 of the Companies (Court) Rules, 1959 (hereinafter referred to as the "Rules of 1959"), which reads thus:

*"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.*

*309. Apportionment of expenses of common staff.-Where any staff is employed to attend to the work of more than one liquidation, or any establishment or other charges are incurred for more than one liquidation, the expenses incurred on such staff and the common establishment and other charges, shall be apportioned by the Official Liquidator between the several liquidations concerned in such proportions as he may think fit, subject to the directions of the Judge, if any. "*

3. As could be seen, any special or additional staff, if found necessary in any liquidation, the Official Liquidator has to first form opinion that such employment is necessary and, thereafter, to apply to the Court for sanction of staff in particular liquidation. The Court has to then examine the issue and if found necessary, will sanction the employment on such salaries and allowance as the Court may seem appropriate.

4. In the light of above, if application is perused, it appears that on 19.04.1974 an Official Liquidator Report was filed and vide order dated 25.04.1974, this Court was pleased to allow the Official Liquidator to have in its office, the following posts on company paid staff.

- (i) 2 Senior Assistant.
- (ii) 3 Junior Assistant
- (iii) 9 Clerks/Typist
- (iv) 3 Peons.

5. It further appears that the pay scales of the company paid staff has been revised by this Court vide order dated

20.04.2018, passed in Company Application No. 5/2018 in Company Appeal No. 8/2006. It further appears from the report that at present, following company paid staff is working with the office of Official Liquidator:

- (i) 2 Junior Technical Assistants.
- (ii) 1 Senior Technical Assistant.
- (iii) 1 Multi Tasking Staff (MTS).

6. It further appears that the appointment of Mr.Jitendra Mangre was extended from time to time under the orders of this Court and lastly on 13.10.2023 in OLR No.14/2023, wherein his services were extended for one year from 08.11.2023. Thus, his tenure was to end on 07.11.2024 and for extension of tenure, OLR No.1/2024 was filed, which was later withdrawn and present application came to be filed.

7. As could be seen, the Official Liquidator has stated that in terms of OLR dated 19.04.1974, this Court vide order dated 24.04.1974, was pleased to allow the Official Liquidator to have few posts of company paid staff as mentioned in the earlier paragraphs. The copy of OLR is not placed on record and, therefore, the Official Liquidator was called upon to produce the same. He has tendered across the bar said report, taken on record and Marked "Z" for identification.

8. Upon reading the report, it appears that 18 company petitions cases were transferred from Bombay High Court to the Bench at Nagpur. The Official Liquidator then referred to Rules 308 and 309 of the Rules of 1959 to seek appointment of

additional staff. The Official Liquidator has sought appointment to assist him and not in a particular liquidation. A general statement was made that there are 18 liquidation proceedings pending and for that purpose additional staff will be required to assist the Official Liquidator. The report further indicates that the company paid staff appointed at Mumbai is reluctant to come to Nagpur. The Official Liquidator has then suggested increase in pay scale. Accordingly, he sought sanction of minimum 6 assistants, 9 clerks and 3 peons.

9. This Court on 25.04.1974, having gone through the said report, passed following order:

*“UPON READING the Dy. Official Liquidator's report dated 19-4-1974 as the Liquidator of Various Companies (In Liquidation) AND UPON HEARING THE Dy. Official Liquidator in person I DO ANSEER prayer(a) of the said report in the affirmative and I DO ORDER THAT the Dy. Official Liquidator do grant the scales of pay suggested in para(10) of the said report to the various categories of staff employed by him and also grant sum Rs.5/- towards washing allowance to lo the peons as suggested in para (11) of the said report AND I DO ANSEER Prayer (b) of the said report in the affirmative AND I DO ORDER THAT the Dy. Official Liquidator do fix the salaries of the present employees in the new scales of pay at the varoius stages as suggested in para 13 of the said report AND I DO ANSWER prayer (c) of the said report in the affirmative AND I DO AUTHORISE to employ 6 assistants, 9 Clerks and 3 Peons at present AND I DO ANSWER prayer (d) of the said report in the affirmative AND I DO ORDER THAT the Dy. Official Liquidator to allocate the expenditure on account of salary to the various companies according to the work load at his discretion AND I DO ANSWER Prayer (e) of*

*the said report in the affirmative AND I DO ORDER Dy Official Liquidator do pay additional allowance up to Rs.100/- p.m. at his discretion to the two senior company paid staff who can be persuaded to come on transfer to Nagpur from Bombay only for period of one year.*

*Dated this 25 th day of April, 1974.*

*Addl. Special Officer,*

*High Court of Bombay At Nagpur.*

*Copy forwarded for information and necessary, action to the Dy. Official Liquidator padhye'e Bldg, 72, civil. Lines, Nagpur.*

*Addl. Special Officer,*

*High Court of Bombay At Nagpur.”*

10. The Official Liquidator has not placed on record an authenticated copy of the aforesaid order but has filed photocopy. To my mind, apart from the fact that the authentic copy of the order dated 25.04.1974 is not placed, if one goes through the aforesaid order, it indicates that this report was not filed in a particular liquidation but was filed in the matter of various companies in liquidation. Further, the Official Liquidator had sought appointment of company paid staff to assist him in liquidation proceedings of various companies.

11. In my view, such is not the scope of Rules 308 and 309 of the Rules of 1959. The Official Liquidator has to form an opinion, which will naturally be based on the nature of liquidation, that employment of any special or additional staff is necessary and then only he can apply to the Court for sanction of such staff. The Official Liquidator in the aforesaid report has not disclosed as to in which liquidation(s), and for what

purpose in the liquidation, he requires special or additional staff. The appointment in a particular liquidation is a mandate of Rule 308 because upon liquidation/dissolution of the company the appointment would automatically cease. As against and in breach of Rule 308, the appointment is continued from time to time, not in a particular liquidation but to assist the office of the Official Liquidator. That apart, the payment of salary and other allowance is paid not from the company funds but from the Common Pool Funds, which is also not permissible.

12. The Supreme Court in **Official Liquidator Vs. Dayanand and Ors. [(2008) 10 SCC]**, while dealing with the scope of Rules 308 and 309 of the Rules of 1959 held thus:

*“47. Now on merits. Rules 308 and 309 of 1959 Rules, which were framed by this Court under Section 643 of the Companies Act, 1956 to facilitate employment of special or additional staff in any liquidation and payment of salaries and allowances to such staff read 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.*

*309. Apportionment of expenses of common staff - Where any staff is employed to attend to the work of more than one liquidation, or any establishment or other charges are incurred for more than one liquidation, the expenses incurred on such staff and the common establishment and other charges,*

*shall be apportioned by the Official Liquidator between the several liquidations concerned in such proportions as he may think fit, subject to the directions of the Judge, if any.*

*The above reproduced rules were framed with a view to ensure that the proceedings of liquidation are not hampered on account of shortage of staff. It was felt that if additional manpower is required for effectively dealing with liquidation cases, the Official Liquidator may apply to the Court and employ such staff after receipt of the sanction. The additional staff is paid from the company fund.* If the staff employed under Rule 308 is required to attend the work of more than one liquidation or any establishment or other charges are incurred for more than one liquidation, then the Official Liquidator is required to apportion the expenses subject to the direction, if any, of the Judge concerned.

48. It is not in dispute that the respondents were engaged/employed by the Official Liquidators pursuant to the sanction accorded by the Court under Rule 308 of the 1959 Rules and from the inception of their employment, they are being paid from the fund created by disposal of the assets of the companies in liquidation. They were neither selected in accordance with the procedure prescribed under the rules framed under proviso to Article 309 of the Constitution nor they were appointed against the posts sanctioned by the Government of India. It is thus clear that the company paid staff constitute a separate and distinct class. While deciding the appeals in the earlier round of litigation, this Court must have been alive to the aforementioned facts and this appears to be the reason why the directions given by Calcutta and Kerala High Courts for absorption of all company paid staff were stayed for six months and an opportunity was given to the Central Government to frame a new scheme within that period.

49. Although neither of the parties to the appeals nor the intervenors have placed before the Court advertisements issued by the Official Liquidators of Bombay, Calcutta, Delhi and Madhya Pradesh or any other High Court for employment of special or additional staff in accordance with the sanction accorded by the concerned Court and we have not been apprised of the specific terms and conditions, subject to which the respondents were employed/engaged by the Official Liquidators but from the tenor of the pleadings and other records, it can be safely inferred that the respondents were appointed on purely temporary basis for fixed period with a stipulation that they shall not be entitled to seek regularization or absorption in the regular cadre against the sanctioned post. Those who applied in response to the advertisements issued by the Official Liquidators must have been aware of the fact that they were being engaged/employed pursuant to the sanction accorded by the Court under Rule 308 of the 1959 Rules in connection with liquidation proceedings; that their appointments will not be against the posts sanctioned by the Government; that they will have no right to claim absorption in the regular cadre and that they will be paid salaries and allowances which may be fixed by the Court. They must have accepted the appointment/engagement knowing fully well that they will have fixed tenure without any right to continue in service or to seek absorption against the sanctioned posts.

50. It was neither the pleaded case of the respondents before the High Courts nor Shri Bhaskar P. Gupta and other learned counsel appearing on their behalf argued before this Court that their clients were lured into accepting employment as company paid staff by the Official Liquidators by promising absorption in future against the sanctioned posts or that they were coerced



*by some authority to accept such employment. Therefore, they cannot be heard to complain of the violation of Articles 14 and 16 of the Constitution on the ground that even after having worked for more than one decade, they have not been absorbed in the regular cadres under the Government. In our opinion, after having applied for and accepted employment/engagement as company paid staff with fixed tenure superimposed by a stipulation that they will have no right to continue in service or to be absorbed in the regular cadres, the respondents are estopped from seeking a direction for their absorption against the posts sanctioned by the Government of India and the High Courts committed a serious error in granting their prayer.*

51 to 62. ....

63. *In view of the above stated legal position, we hold that the directions given by the High Courts for creation of supernumerary posts to facilitate absorption of the company paid staff are legally unsustainable and are liable to be set aside.*

64 to 113.....

114. *By applying the ratio of the aforementioned judgment to the facts of this case, we reiterate that the respondents cannot invoke the doctrine of legitimate expectation. At the cost of repetition, it needs to be emphasized that the respondents were employed by the Official Liquidators as additional staff pursuant to the sanction accorded by the concerned Courts. The conditions of their appointment clearly envisaged cessation of employment at the end of fixed tenure or on completion of liquidation proceedings. Of course, as it later turned out, the respondents were made to work in relation to different liquidation proceedings and for that purpose, the term of their employment/engagement was*

*extended from time to time and they continued in service for many years in the same capacity. However, no material has been placed before this Court to show that any promise was made or any assurance was held out to the respondents by any competent authority of the Government of India for their absorption in the regular cadres.*

*115. There is nothing in the language of Rule 308 of the 1959 Rules from which it can be inferred that those employed as additional staff in connection with the liquidation proceedings will, in future, be absorbed in the regular cadres. The 1978 as also the 1999 Schemes are merely illustrative of compassionate approach adopted by the Government of India for facilitating absorption of the company paid staff against the sanctioned posts to the extent of 50% vacancies in the direct recruitment quota. These schemes cannot be read as a charter for legitimating the claim of company paid staff to be absorbed in the Government service de hors availability of vacancies, more so when the Government has taken a rational policy decision to reduce direct recruitment to various services in a phased manner.*

*116-117. ....*

*118. On the basis of above discussion, we hold that:*

*(i) the respondents are not entitled to absorption against the sanctioned posts in Group C of the Department of Company Affairs, Government of India, as of right.*

*(ii) The 1999 Scheme does not suffer from any legal or constitutional infirmity insofar as it provides for absorption of the company paid staff only to the extent of 50% vacancies in direct recruitment quota of Group C posts.*

*(iii) The decision taken by the Government of India to reduce the number of posts in direct recruitment*

*quota and consequential abolition of posts in the Department of Company Affairs is not vitiated by arbitrariness or violation of the doctrine of equality or malafides.*

*(iv) The doctrine of legitimate expectation cannot be invoked for sustaining the directions given by the High Courts of Calcutta and Delhi for creation of supernumerary posts to facilitate absorption of all company paid staff in the regular cadres.*

*(v) The respondents are not entitled to have their pay fixed in the regular scales and other monetary benefits at par with regular employees working under the Official Liquidators.*

*119. Notwithstanding our conclusion that the directions given by the Calcutta and Delhi High Courts for absorption of company paid staff against Group C posts and grant of monetary benefits to them at par with regular employees of the Department of Company Affairs are legally unsustainable, we are inclined to accept the contention of the respondents that failure of the Government of India to frame scheme for absorption of Group D posts has resulted in invidious discrimination qua one section of the company paid staff. The appellants have not placed any material before this Court to show that the finding recorded by the learned Single Judge of Delhi High Court that a number of persons were employed by the Official Liquidator in 1985 and thereafter who could be considered for absorption against Group D posts. This means that at the time of framing of the 1978 Scheme the existing company paid staff did not include the employees who could be absorbed on Group D posts and this appears to be the reason why the said scheme was confined to absorption of company paid staff against Group C posts. Since the employees who could be eligible for absorption on Group D posts were appointed in 1985 and thereafter, the Government of India should have, while framing the*

*1999 Scheme, taken cognizance of their presence and made appropriate provision for their absorption. Its failure to do so has certainly resulted in unintended discrimination qua one section of the company paid staff. It is, therefore, appropriate to direct that the Government of India should frame a scheme for absorption of eligible and suitable employees against Group D posts. The scheme should be modeled on the 1999 Scheme. The needful be done within six months. Thereafter, eligible and suitable members of the company paid staff should be absorbed against Group D posts.*

*(Emphasis supplied)*

13. (a) In paragraph 47, the Supreme Court observed that Rules 308 and 309 were framed with a view to ensure that the proceedings of liquidation are not hampered on the count of shortage of staff. It is further observed that the payment of additional staff is made from company funds and if additional staff is required to attend the work of more than one liquidation, the payment is to be apportioned accordingly.

(b) In paragraph 48, the Supreme Court has held that the appointment of company paid staff being not selected in accordance with the Rules, they constitute a separate and distinct class.

(c) In paragraph 49, the Supreme Court found that the company paid staff having been not appointed through regular mode, they are aware that their appointment will not be against post sanctioned by the Government and thus will have no right to claim absorption in the regular category.

(d) In paragraph 50, the Supreme Court observed that appointment of company paid staff is for a fixed tenure viz. till completion of liquidation.

(e) In paragraph 63, the Supreme Court held that the directions given by the High Court for creation of supernumerary post to facilitate absorption of company paid staff are legally untenable and are liable to be quashed and set aside.

(f) In paragraph 114, the Supreme Court held that the company paid staff cannot invoke doctrine of legitimate expectation for absorption/regularization of their services. The observations in the said paragraph further indicate that such appointments shall cease at the end of fixed tenure or on completion of liquidation proceedings.

(g) In paragraph 115, the Supreme Court has held that there is nothing in the language of Rule 308 that such employee/staff will, in future, be absorbed in regular cadre.

(h) Then comes an important finding in paragraph 119 wherein the Supreme Court has held that the direction given by Calcutta and Delhi High Court for absorption of company paid staff against Group 'C' post and grant of monetary benefits to them on par with regular employees of the Department of Company affairs are legally untenable.

14. Put all together, the appointment of special/additional staff to be appointed in terms of Rules 308 and 309 of the Rules of 1959, is to be made in a particular liquidation with a view to

ensure that the proceedings are not hampered on account of shortage of staff. The payment of additional staff is to be made from company's funds by selling assets of the companies and not from the common pool funds. Their employment is for a fixed tenure and shall cease at the end of the fixed tenure or on completion of liquidation proceeding. There is nothing in the language of Rule 308 that the additional staff so appointed can be absorbed in regular cadre nor can the Court direct absorption of company paid staff and/or grant monetary benefits to them at par with regular employee of the Government department.

15. As against, I am informed that at the office of Official Liquidators pan India, appointments of company paid staff are regularly made to assist the Official Liquidator, meaning thereby that so called company paid staff are not appointed in a particular liquidation. I am further informed that a stage has reached where the Official Liquidator has raised a grievance that the company paid staff is not working properly, they lack discipline and are also claiming seniority and other benefits including retiral benefits.

16. It is surprising that on one hand a grievance is made that some of the company paid staff are not working properly and on the other hand the Official Liquidator are pressing for continuation of the additional staff. In fact, there are, in place, the terms and conditions, which has been modified in the year 2017, which provides that the company paid staff shall be paid at par with the Government staff in accordance with the revised pay scale as per the recommendation of Pay Commission and

are also entitled for payment of DA, HRA/CCA, TA, DA, Statutory Festival Allowance, LTC, EL, Medical, etc.

17. These terms and conditions were modified by the Division Bench of this Court vide order dated 20.04.2018 in Company Application No. 5/2018 in Company Appeal No. 8/2006. To my mind, the Official Liquidator has misled the Division Bench inasmuch, firstly the application ought to have been filed before the Company Court in terms of Rule 308 of the Rules of 1959. Further, the above judgment of the Supreme Court was not referred to or submitted for consideration before the Division Bench, wherein a categorical finding is rendered that the company paid staff are not entitled to monetary benefits at par with the regular Government employees. Despite such status, the instant application is filed seeking appointment of a peon on terms and conditions as mentioned in order dated 20.04.2018 viz. to be paid at par with a regular Government employee.

18. Let me now comment upon the manner in which the extension has been sought. The Official Liquidator had earlier filed OLR NO. 1/2024 to extend tenure of Mr. Jintendra Mangre with effect from 08.11.2024 till further orders on the same terms and conditions mentioned in order dated 20.04.2018 and to permit the Official Liquidator to pay salary and allowances from the Common Pool Fund Account maintained by the Official Liquidator. Upon hearing the counsel for the Official Liquidator, I had passed following order on 18.10.2024, which also indicate

the manner in which the extension had been sought on earlier occasion. The order reads thus:

*“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.”*

19. As could be seen, the Official Liquidator made a statement before the Court on 18.10.2019 that Mr. Jitendra Mangre is the only peon working and in view thereof his tenure had been extended. Here again, the Court has been misled and order has been obtained on sympathy. The Official Liquidator had not stated that Jitendra Mangre was not appointed in a particular liquidation and/or his continuation is required in the said proceedings. What has been stated is that he is the only peon working with the office of Official Liquidator. Further, the Official Liquidator has not placed on record the Rules of appointment of the company paid staff/peon as directed by this Court in the order reproduced above. Thus, there is nothing on record to show that any post has been created and sanctioned by Central Ministry that enables the Court to allow employment under the head of company paid staff/peon.

20. In the light of order dated 18.10.2024, the Official Liquidator on 25.10.2024 withdrew the OLR No. 1/2024 and sought liberty to apply afresh in terms of Rule 308 of the Rules of 1959. The present application is, accordingly, filed in the company petition relating to liquidation of M/s. Mahadeo Land Developers Pvt. Ltd. and for the first time, the Official

Liquidator made an attempt to justify the appointment in terms of Rule 308 of the Rules of 1950.

21. I have gone through the application to find that except for change in nomenclature that the appointment is to be made in a petition relating to the liquidation of M/s. Mahadeo Land Developers Pvt. Ltd., there is nothing to justify his appointment for instant liquidation proceeding. The pleadings are identical as were made in OLR No.1/2024, except for an additional paragraph wherein it is stated that his services are being utilized for various purposes including assistance in possession/sale of the properties, adjudication of claims, maintaining files, retrieval of the correspondence, etc. The Official Liquidator, however, has not disclosed as to why these duties could not be rendered by the existing peon nor is it disclosed as to how his services are utilized to take possession of the properties or to adjudicate the claims. In absence thereof, I am not inclined to accept that a peon can be helpful to take possession of the properties of the company or that he can assist the Official Liquidator to adjudicate the claims. I am, therefore, of the considered view that the appointment of Mr. Jitendra Mangre in the present liquidation proceeding is not necessitated.

22. The question, however, is not only Mr. Jitendra Mangre but there are two Junior Technical Assistants, one Senior Technical Assistant are also working with the office of the Official Liquidator under the employment of company paid staff. I am informed that some of them are working from the

year 1999. Thus, these people have rendered substantial services. The Official Liquidator will have to share responsibility for such status. Had the respective Official Liquidator assisted the Court properly, the present stream of employment would not have been established. The appointments are made in complete violation of Articles 14 and 16 of the Constitution of India. As such, as held by the Hon'ble Supreme Court, these appointees are aware that they were not appointed through regular mode and that their appointment is not against the post sanctioned by the Government and, therefore, will have no right to claim absorption in the regular category, the fact remains that they have rendered substantial services.

23. In the circumstances, I call upon the appointing authority i.e. Under Secretary, Ministry of Corporate Affairs, Government of India, to file a report by 20.12.2024 as to how does he propose to address the issue.

24. Stand over to 20.12.2024 for further orders. Till then, the services of Mr. Jitendra Mangre shall stand continued purely on temporary basis.

**(Anil L. Pansare, J.)**