

(2003) 07 SC CK 0067
Supreme Court of India
Case No: Civil Appeal No. 5556 of 2003

T.K. Rangarajan

APPELLANT

Vs

Govt. of Tamil Nadu
and Others

RESPONDENT

Date of Decision: July 24, 2003

Citation: (2003) 5 ALT 55 : (2003) 5 SCALE 537

Hon'ble Judges: M. B. Shah, J; AR. Lakshmanan, J

Bench: Division Bench

Advocate: Rajeev Dhawan, P. Chidambaram, Nalini Chidamabaram, T.R. Andhayarujina and R. Mohan, S.R. Setia, B.V. Desai, Sanjeev Kr. Singh, V.G. Pragasam, Indu Malhotra, B.K. Pal and P.N. Jha, for the Appellant; K.K. Venugopal, Public Prosecutor Rao and Somaya Julu, T.R. Chandran, Genl., Jyotish and P.N. Ramalingam, for the Respondent

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

Heard the learned counsel for the parties.

1. Mr. K.K. Venugopal, the learned senior counsel appearing for the State of Tamil Nadu after obtaining necessary instructions states that:

1. The State Government will re-intsate all the government employees who are dismissed because they had gone on strike, except (i) 2,200 employees who had been arrested and (ii) employees against whom FIR had been lodged.

2. This reinstatement in service would be subject to unconditional apology as well as undertaking to the effect that employees would abide by Rule 22 of the Tamil Nadu Government Servants Conduct Rules 1973 which provides as under:

"22. Strikes No Government servant shall engage himself in strike or in incitements thereto or in similar activities.

Explanation - For the purposes of this rule the expression "similar activities" shall be deemed to include the absence from work or neglect of duties without permission and with the object of compelling something to be done by his superior officers or the Government or any demonstrative fast usually called "hunger strike" for similar purposes.

2. It is also stated that Government will proceed under the Disciplinary Rules only against those employees who had indulged in violence and who had incited the other employees to go on strike.

3. From 25th July such employees would be reinstated in service subject to their giving unconditional apology for resorting to strike and also an undertaking to the effect that (SIC) would abide by Rule 22.

4. He also states that for the employees who would be reinstated in service with regard to the period for which they remained absent, appropriate order would be passed by the State Government for regularisation their absent. However, this would not be treated as a break in service.

5. Ordered accordingly.

6. For further orders and directions list the matters on 31.7.2003.