

(2003) 11 PAT CK 0099

Patna High Court

Case No: C.W.J.C. No. 11640 of 2003

Suo motu action relating to class
of persons who have not
received their Salaries

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision: Nov. 5, 2003

Judgement

@JUDGMENTTAG-ORDER

1. The Court had appointed Amicus Curiae and Commissioners in this matter on the basis of which reports had appeared in the media. 15 government companies are mentioned as Respondents. The media also reported that the workers of the government companies have died while awaiting their emoluments. If it were one company that itself was serious enough. But the fact that there are several companies and several employees it does make out a matter of concern. Dead people cannot support their briefs. Indigent persons cannot afford to come to the Court and engage professionals to argue their case without payment of pension. For them it is a matter of life and death and the Court cannot expect that they should engage professionals, thus, for such class of persons appointed an Amicus Curiae and Commissioner" on 24 October, 2003.

2. Today learned Counsel who had been appointed Commissioners have sought information on the following issues:

(a) In none of the company petitions details of man powers or staff strength has been given. This information be provided.

(b) In majority of the petitions the memoranda of association and article of association have been filed. This is statutory information. This information be provided.

(c) The reckoned period or the day when the government companies became sick as provided under the law.

- (d) The list of Directors constituting the Board since incorporation.
- (e) The guarantors and promoters of the companies and Indemnities provided to the companies, if any.
- (f) Balance sheet since incorporation.
- (g) Details of salary and remuneration paid to staff.
- (h) Details of remuneration paid to managerial staff.
- (i) After the incorporation of the companies trips made by its Directors and staff by going abroad at the expenses of the Companies, the trips made by the Directors and the managerial staff after the companies became sick.
- (j) Perks of the Directors of the companies.

Learned Counsel assisting the Court seek the above informations.

3. They further submit that they be granted permission to explore the possibility of seeking assistance of experts in the matter in which a solution was made in the case of Navnit R. Kamani and Others Vs. R.R. Kamani,

4. They further submit that some of the corporations have the potential to be revived. It is contended that Bihar State Leather Corporation was established and has equipment, it is possible, best in Asia. They further submit that Bihar State Food Corporation established in the land of the agriculturists can be revived with the assistance of the agriculturists. On this learned State counsel interjected. He submitted that in so far as information regarding (a), (b), (c), (d), (e), (f), (g), and (h) is concerned this is in any case being collected by the State of Bihar and will be placed before the Court.

5. Learned Counsel, aforesaid, also submit that the Registrar of Companies, Bihar be made a party Respondent. This be done by the Registry and this party be served forthwith.

6. There is no issue on the aspect that for persons who have died without their emoluments, persons who are indigent without their pension this is a matter for life and death and Article 21 comes into play. The assertions in the reports that government companies have become defunct but this cannot be an extension that life itself will be extinguished for those who worked for these companies. Their equity is lying in these companies and it appears that within these companies and those who manage it have yet to realise that the workers have (heir equity invested in the companies.

7. The matter is of public concern and it leaves the Court with no option but to issue notice to the Chief Secretary, Govt, of Bihar. This may be done by the Registrar General with the notice delivered within 24 hours.

8. Put up on Friday, i.e. 7 November, 2003 in the supplementary list.