

SUPREME COURT OF INDIA

T.K. Rangarajan

Vs.

Govt. of Tamil Nadu

(M.B. Shah and A.R. Lakshmanan JJ.)

24.07.2003

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-intstate 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.