

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.10.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.8810 of 2017
and
W.M.P.Nos.9659 and 9660 of 2017

D.Rajashekar

Petitioner

Versus

- 1 The Director General
National Institute of Fashion Technology
NIFT Campus Hauz Khas Near Gulmohar Park
New Delhi - 110 016.
- 2 The Registrar
National Institute of Fashion Technology
NIFT Campus Hauz Khas Near Gulmohar Park
New Delhi - 110 016.
- 3 The Director
National Institute of Fashion technology
NIFT Campus Rajiv Gandhi Salai
Taramani Chennai - 600 113.

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the order made in O.A. No.1711 of 2016 dated 24.01.2017 passed by Honourable Central Administrative Tribunal at Chennai and order of 2nd respondent in NIFT/HO/E-II/Chennai/2016 dated 27.10.2016 and relieving order issued by 3rd respondent in No.14(130)/NIFT/CHE/ESTT/DR/12 dated 27.10.2016 and quash the same as illegal, arbitrary and non est in law and consequently direct the respondents to permit the petitioner to join duty in NIFT, Chennai Centre.

For petitioner : Mr.G.Dinesh Kumar

For respondents : Mr.G.Rajagopal,
Assistant Solicitor General for
M/s.K.Srinivasamurthy, (CGC)

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties for some time.

2. The writ petition is filed challenging the order passed by the Central Administrative Tribunal declining to interfere with the relieving order passed by the third respondent transferring the writ petitioner from Chennai to Kolkatta.

3. The order under challenge being one of transfer, which is an incident of service, we are not inclined to interfere with the same, especially when no mala fide intention could be attributed on the part of the employer for passing the the order of transfer. Moreover, having heard the learned counsel appearing for the petitioner earlier and after perusing the materials available on record, when this court was inclined only to grant some time to the petitioner to join in the transferred place, it was represented on the side of the petitioner that the petitioner intends to engage a different counsel and on that score, he sought for an adjournment. Therefore, it appears that by such attitude, he attempts to get a better order.

4. In that view of the matter, we dismiss the petition. However, we extend a period of two months to the appellant to join in the transferred place accordingly, he is directed to report in the transferred place on or before 1st December 2017. No costs. The connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 The Director General
National Institute of Fashion Technology
NIFT Campus Hauz Khas Near Gulmohar Park
New Delhi - 110 016.

2 The Registrar
National Institute of Fashion Technology
NIFT Campus Hauz Khas Near Gulmohar Park
New Delhi - 110 016.

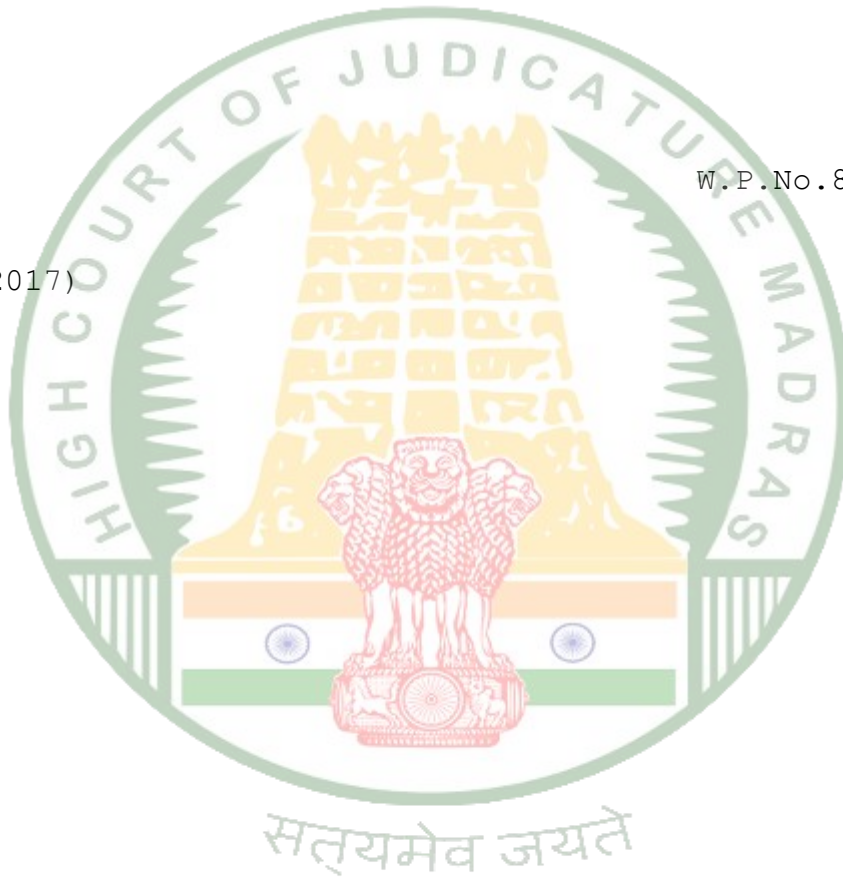
3 The Director
National Institute of Fashion technology
NIFT Campus Rajiv Gandhi Salai
Taramani Chennai - 600 113.

+1 CC to Ms.K. Srinivasa Murthy, Advocate sr 71004.

+1 CC to Ms.B. Vijay, Advocate sr 71099.

CP(CO)
SP(13/10/2017)

W.P.No.8810 of 2017



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