

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P.No.32748 of 2017 and
W.M.P.No.36087 of 2017

K.U.Rajasekar

... Petitioner

-vs-

1.The Registrar,
Central Administrative Tribunal,
Chennai Bench,
City Civil Court Buildings,
Chennai-600 104.

2.Union of India,
rep.by its Secretary,
Ministry of Defence,
North Block,
New Delhi-110 001.

3.The Chairman,
Ordnance Factory Board,
Ministry of Defence,
Government of India,
10A, S.K.Bose Road,
Kolkata-700 001.

4.Director General of Ordnance Factories,
Government of India,
Ministry of Defence,
Ordnance Factory Board,
10A, S.K.Bose Road,
Kolkata-700 001.

5.The Regional Director,
Regional Controllerate of Safety
(Southern Region),
AVHQ Complex, Avadi,
Chennai-600 054,
Tamil Nadu.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the first respondent Tribunal in and connected with the interim order dated 13.12.2017 in O.A.No.1882 of 2017 on its file and quash the same and further forbear the respondents 2 to 5 from giving effect to Order No.581/Review/PER/G/KUR dated 31.08.2017 and consequential order in Case File No.0204/AVHQ/A/G/RCS (KUR) dated 17.10.2017 by relieving the petitioner on compulsory retirement from 17.12.2017 pending disposal of O.A.No.1882 of 2017 on the file of the first respondent Tribunal.

For Petitioner : Mr.B.Satish Sundar

For Respondents : Mr.V.P.Sengottuvel for
R2 to R5

ORDER

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

Against the order of compulsory retirement, the petitioner moved the first respondent Tribunal in O.A.No.1882 of 2017 and the Tribunal passed an order posting the matter for hearing on 01.01.2018 and also observing that no prima facie case has been made out for grant of interim relief. Challenging the said order, the petitioner is before this Court with this writ petition.

2.With regard to certain misconduct, the petitioner was imposed with a punishment of compulsory retirement and the main case is pending before the first respondent Tribunal. It will take some reasonable time for the Tribunal to dispose of the matter. The apprehension of the petitioner is that he would be compulsorily retired before the Tribunal disposes of the said Original Application.

3.Upon hearing the parties for some time, we hereby direct the first respondent Tribunal to take up the application in O.A.No.1882 of 2017 once and for all and dispose of the same in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till such time, there shall be an order of status quo / not to take coercive steps against the petitioner, since the matter is pending for final adjudication before the Tribunal.

4.The writ petition is disposed of accordingly. Consequently the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Registrar,
Central Administrative Tribunal,
Chennai Bench, City Civil Court Buildings,
Chennai-600 104.
- 2.The Secretary to Government, Government of India,
Ministry of Defence, North Block, New Delhi-110 001.
- 3.The Chairman, Ordnance Factory Board,
Ministry of Defence, Government of India,
10A, S.K.Bose Road, Kolkata-700 001.
- 4.The Director General of Ordnance Factories,
Government of India, Ministry of Defence,
Ordnance Factory Board, 10A, S.K.Bose Road,
Kolkata-700 001.
- 5.The Regional Director,
Regional Controllerate of Safety (Southern Region),
AVHQ Complex, Avadi, Chennai-600 054,
Tamil Nadu.

+1cc to Mr.B.Sathish Kumar, Advocate, S.R.No.90736

+1cc to Mr.P.Sengottuvel, Advocate, S.R.No.90461

SKV(CO)
RRK(19/01/2018)

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