

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 18.12.2017

CORAM

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

W.P.No.32841 of 2017
and
W.M.P.Nos.36189 & 36190 of 2017

1 Government of India Press Workers
Association Rep. by its
General Secretary
Regn.No.3826/Madras/18.3.65
No.8/13 Press Colony Coimbatore 641 019

2 G. Sakthivel

3 G. Chandrasekaran

Petitioners

Versus

1 Central Administrative Tribunal
Madras Bench Rep. by its Registrar
High Court Campus Chennai 600 104

2 The Secretary
Union of India
Ministry of Housing and Urban Affairs
C Wing Nirman Bhawan New Delhi 110 108

3 The Director
Directorate of Printing (Headquarters)
Government of India
Ministry of Housing and Urban Affairs
Maulana Azad Rd New Delhi 110 011

4 The Manager
Government of India Press
Press Colony Post
Coimbatore 641 019

5 The Protem Manager
Government of India Press
Press Colony
Coimbatore 641 019

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus calling for the concerned records from the 1st Respondent quash the order of the 1st Respondent Tribunal dated 08.12.2017 in O.A.No.1787 of 2017 in adjourning the matter without considering the interim relief sought for as illegal, arbitrary and contrary to law and consequently restrain Respondent Nos.2 to 5 from merging the 5th respondent Press with the Government of India Press, Nashik or with any other Press of Government of India until the final orders are passed by the 1st Respondent in O.A.No.1787 of 2017.

For petitioner : Ms.R.Vaigai, Senior Counsel for
Mr.Balan Haridas

For RR2 and 3 : Mr.K.Venkatasamy Babu, SPC

ORDER

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

Heard the learned Senior Counsel appearing for the petitioners and Mr.K.Venkatasamy Babu, learned Standing Counsel, who appeared in court on the direction of this court.

2. The writ petitioners are aggrieved against the proposed merger of the fifth respondent-Press with the Government of India Press, Nashik or with any other Press of Government of India and having failed to get interim order to stay such proposal, had come up with the present writ petition.

3. It is the submission of the learned Senior Counsel appearing for the petitioners that without following the procedure, such a decision for merger of the Presses has been taken and therefore, sought for an order of status quo.

4. On the other hand, the learned Standing Counsel appearing for respondents 2 and 3, who appeared in court on court notice, inviting our attention to the observation made by the Tribunal, would submit that it is a policy decision of the Government of India and therefore, it needs no interference.

5. The relevant portion of the observation made by the Tribunal is as under:-

" 3. Learned counsel for respondents vehemently opposes the plea stating that it is a policy decision of the Government of India taken at the highest level and the Tribunal had no jurisdiction to go into policy decisions of the Executive. Further,

there is no reason to believe that the requisite legal procedures were not followed before arriving at the decision.

4. In the absence of a reply from the respondents, we are not inclined to presume that the requisite legal procedures were overlooked before the decision was taken by the Cabinet. The order dated 5.12.2017 relates to Kolkatta and it is seen that the employees concerned have been relocated within Kolkatta only.

5. In view of the above, respondents are directed to file a detailed reply."

6. In view of the above, we are of the view that it is too premature to interfere with the proposal of the respondents, which is pending consideration in the Central Administrative Tribunal. Accordingly, this writ petition is disposed of with a direction to the respondents to file counter at the earliest before the Central Administrative Tribunal and the Tribunal, in turn, is directed to take up the matter and arrive at a decision at the earliest. The petitioners are also given liberty to move the Central Administrative Tribunal for early hearing of the case. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To:

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+1 cc to M/s.Balan Haridass Advocate sr 90247

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