

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.7.2017

CORAM

**THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE G.JAYACHANDRAN**

**W.P.No.17114 of 2017
and
W.M.P.No.18588 of 2017**

S.Kalaganathan

Petitioner

Versus

- 1 Union Of India
Rep. by its Secretary
Ministry of Defence
Department of Defence Production
Room No.136 South Block
New Delhi 110 001
- 2 The Additional DGQA (L)
Directorate of Quality Assurance (DGQA/L-2)
Department of Defence Production
G Block Nirman Bhawan New Delhi 110 011
- 3 The Controller
Controllerate of Quality Assurances
Avadi Chennai 600 054
- 4 Colonel
Joint Controller (O)
HVF Campus Avadi
Chennai 600 054
- 5 The Registrar
Central Administrative Tribunal
Chennai

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records in the

proceedings dated 27.06.2017 in O.A.No 959 of 2017 passed by the 5th Respondent and quash the same.

For petitioner : Mr.K.Raja Shrinivas
For R1 to R4 : Mr.D.Simon

ORDER

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

Heard the learned counsel appearing for the petitioner and Mr.D.Simon, learned counsel, who takes notice on behalf of respondents 1 to 4.

2. The petitioner is working as Assistant Engineer in the office of the third respondent. It appears that petitioner, among other officials, had been enlisted for transfer to different places from where they are now working and in such a way, the petitioner is sought to be transferred to New Delhi as against the preferred places for transfer viz., Bangalore, Secunderabad and Madak. It also appears that he had submitted representation to the authorities in this regard on 24.4.2017, which came to be rejected by the competent authority and so also the recommendation made by the third respondent was rejected by the same authority. Challenging such rejection orders, it appears that the petitioner had already moved the Tribunal which had issued a short notice, returnable by 10.7.2017. Apprehending that he would be relived even before the hearing of the case by the Tribunal, the petitioner is before this court seeking indulgence of this court.

3. The case of the petitioner is that the preference exercised by his colleagues, who are juniors to him, are considered whereas it has not been

done in his case and if he is relieved before the Tribunal decides the case of the petitioner on merits, the efforts of the petitioner to prove his case would become futile.

4. In view of the above facts and circumstances, the respondents are directed not to relieve the petitioner, pending disposal of the proceedings before the Tribunal. The Tribunal is directed to dispose of the proceedings pending before it as expeditiously as possible. The parties are also directed to co-operate for the same. Authorities are directed to consider the case of petitioner to post to any one of the places of his preference. The writ petition is disposed of accordingly. No costs. The connected miscellaneous petition is closed.

(H.G.R.,J.)(G.J.,J.)

6.7.2017.

Index:Yes/No
Internet:Yes/No
ssk.

Note to office:-

**Issue copy of this order
by 7.7.2017.**

To:

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**HULUVADI G. RAMESH, J.
AND
G.JAYACHANDRAN, J.**

ssk.

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