

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.808 of 2018
and
W.M.P.No.974 of 2018

S.Gopinath ... Petitioner

-vs-

1.The Registrar,
CESTAT (Customs, Excise and Service Tax Appellate Tribunal),
West Block No.2,
R.K.Puram, New Delhi-110 066.

2.The Assistant Registrar,
CESTAT, 26 Haddows Road, 1st Floor,
Shastri Bhavan Annexe,
Chennai-600 006. ... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records pertaining to the impugned order dated 04.12.2017 of the Central Administrative Tribunal in O.A./310/01030/2017 confirming the transfer order No.23(51) Trans/ CESTAT/Admn-2014 dated 23.01.2017 issued by the first respondent as confirmed and quash the same.

For Petitioner :: Mr.Vijay Balan for
Mr.Sivavarthan

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

R.1 :: Tribunal

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ORDER

(Made by HULUVADI G.RAMESH, J.)

The petitioner herein filed an application before the Central Administrative Tribunal in O.A.No.310/01030/2017 seeking to set aside and revoke the transfer order passed by the first respondent and the consequential order passed by the second respondent and to direct the respondents to allow the petitioner

to continue as MTS in CESTAT, Chennai. The said application was dismissed holding that the same is misconceived and devoid of merits. Challenging the same, the present writ petition has been filed.

2.The learned counsel for the petitioner has submitted that the petitioner submitted a representation to the authorities on 27.01.2017 to reconsider his transfer order due to his family situation and his medical needs, but the Department, vide letter dated 26.05.2017 mechanically rejected his plea without giving any reasons. Stating so, the learned counsel for the petitioner prayed for quashing the impugned order passed by the Tribunal and to allow him to stay in the original place before he was transferred.

3.The learned counsel for the second respondent Department has submitted that the petitioner has not joined in the transferred place even though he has been relieved of his duties much earlier from the original place.

4.Heard the learned counsel on either side and perused the materials available on record.

5.It appears that the transfer order came to be passed on 23.01.2017. Despite the order of transfer, the petitioner has neither joined in the transferred place nor taken any steps. He was relieved from the original place of posting on 31.01.2017, but he has not joined duty in the transferred place. The original application filed by the petitioner was also rejected by the Tribunal. Considering the facts and circumstances of the case, this Court permits the petitioner to join in the transferred place on or before 15.05.2018, failing which the Department is at liberty to terminate his services. In respect of the period right from the date he was relieved till the date of joining duty in the transferred place, the same shall be adjusted against the leave available to his credit and the remaining period if any, shall be treated as leave on loss of pay, provided he joins in the transferred place on or before 15.05.2018.

6.The writ petition is disposed of in the above terms. No costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True copy//

Sub Assistant Registrar

KM

To

1.The Registrar, CESTAT
(Customs, Excise and Service Tax Appellate Tribunal),
West Block No.2,
R.K.Puram, New Delhi-110 066.

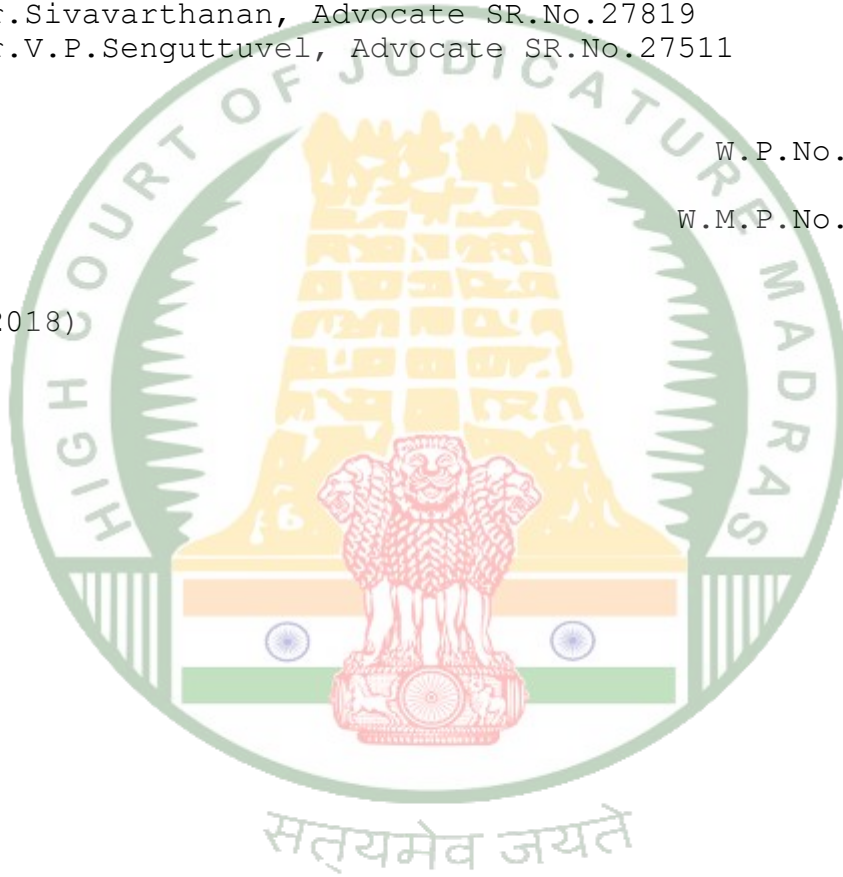
2.The Assistant Registrar,
CESTAT, 26 Haddows Road, 1st Floor,
Shastri Bhavan Annexe,
Chennai-600 006.

+1cc to Mr.Sivavarthanan, Advocate SR.No.27819

+1cc to Mr.V.P.Senguttuvel, Advocate SR.No.27511

W.P.No.808 of 2018
and
W.M.P.No.974 of 2018

KJ(CO)
GN(02/05/2018)



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