

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2018

CORAM:

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.P.No.544 of 2018
and
W.M.P.Nos.657 and 658 of 2018

D.Rajashekar
Associate Professor & Centre
Co-ordinator - Leather Design
National Institute of Fashion Technology,
Rajiv Gandhi Salai,
Taramani, Chennai - 600 113. Petitioner

.. Vs ..

1. Central Administrative Tribunal,
Principal Bench,
New Delhi.
2. The Director General
National Institute of Fashion Technology,
NIFT Campus,
Hauz Khas, Near Gulmohar Park,
New Delhi - 110 016.
3. The Registrar,
National Institute of Fashion Technology
NIFT Campus,
Hauz Khas, Near Gulmohar Park,
New Delhi - 110 016.
4. The Director
National Institute of Fashion Technology,
NIFT Campus,
Rajiv Gandhi Salai,
Taramani, Chennai - 600 113.
5. The Secretary,
Ministry of Textiles,
Udyog Bhawan, New Delhi.

6. The Chairman,
National Institute of Fashion Technology,
NIFT Campus,
Hauz Khas, Near Gulmohar Park,
New Delhi - 110 016.

7. Chairman, National Commission for
Scheduled Casts
Lok Nayak Bhawan, 5th Floor,
Khan Market, New Delhi - 110 003.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records culminated in the 1st respondent's impugned order dated 30.11.2017 made in O.A.No.4157 of 2017 and quash the same.

For Petitioner : Mr.R.Prabhakaran
For RR-2, 3 & 6: Mr.G.Rajagopalan,
Additional Solicitor General
for Mr.K.Srinivasamoorthy
For R-4 : Mr.K.Sridhar

ORDER

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

Heard Mr.R.Prabhakaran, learned counsel appearing for the petitioner; Mr.G.Rajagopalan, learned Additional Solicitor General appearing for respondents 2, 3 and 6 and Mr.K.Sridhar, learned counsel appearing for the fourth respondent.

2. This writ petition is filed challenging the order passed by the Central Administrative Tribunal, Principal Bench, New Delhi, dismissing the Original Application No.4157 of 2017 filed by the petitioner.

3. It appears that the petitioner was appointed as Assistant Professor in National Institute of Fashion Technology (In short, NIFT), Chennai, on 10.07.2003 by direct recruitment. Thereafter, he was transferred from NIFT, Chennai, to NIFT, Kolkata, on 27.10.2016, for administrative reasons. As against the said order, the petitioner has filed O.A.No.1711 of 2016 before the Central Administrative Tribunal, Madras Bench, and the said Original Application was dismissed by the Central Administrative Tribunal, Madras Bench on 24.01.2017.

Challenging the said order, the petitioner has filed a writ petition in W.P.No.8810 of 2017 and the said writ petition was dismissed by this Court extending two months time to the petitioner to join in the transferred place. As against the said orders, the petitioner has filed SLP Nos.30765-30767 of 2017 and the Apex Court, by its order dated 20.11.2017, dismissed the same.

4. It appears that in spite of the order passed by the Apex Court upholding the impugned transfer of the petitioner to NIFT, Kolkata, the petitioner has filed another O.A.No.4157 of 2017 before the first respondent and the said O.A. was dismissed by the first respondent/Central Administrative Tribunal, Principal Bench, New Delhi, on 30.11.2017, imposing a cost of Rs.25,000/- payable by the petitioner to the Delhi Legal Services Authority. However, once again, the petitioner has filed the present writ petition on various grounds. One of the grounds raised by the petitioner is that, his elder son is studying Higher Secondary at Chennai and another ground raised by him is that he belongs to Scheduled Caste community. Though these two grounds have been raised as new grounds, we do not find any reason to give weightage to the said new grounds raised.

5. In the earlier order passed in W.P.No.8810 of 2017, this Court has directed the petitioner to report in the transferred place on or before 1st December 2017. There is no mala fide intention on the part of the authority in passing the order of transfer and it is only in the usual course and transfer is an incident of service. If the petitioner has got any difficulties with respect to his son's education, he can seek for residential accommodation, if any, till the end of the academic year. The petitioner has already completed more than 13 years of service and also availed more than three months time in the process of moving the Central Administrative Tribunal and this Court and the Apex Court found better reasons while taking decision in those matters. It is right time for the petitioner to comply with the order of transfer.

6. This Writ Petition is disposed of accordingly. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Jr1

To

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Central Administrative Tribunal,
Principal Bench,
New Delhi.
2. The Director General
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+2 ccs to Mr.R.Prabhakaran Advocate sr 2250
+1 cc to Mr.K.Srinivasamurthy Advocate sr 2202

W.P.No.544 of 2018

lrs(co)
aa20/02/2018