

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 6.6.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.7935 to 7940 of 2018
and
W.M.P.Nos.9886 to 9897 of 2018

1.K.Akila ..Petitioner in W.P.No.7935/18
2.S.Navaneethan ..Petitioner in W.P.No.7936/18
3.S.Lakshminarayanan ..Petitioner in W.P.No.7937/18
4.V.Sivaraman ..Petitioner in W.P.No.7938/18
5.B.Navin Kumar ..Petitioner in W.P.No.7939/18
6.A.Vasudevan ..Petitioner in W.P.No.7940/18

Versus

1 Union of India
rep by The Secretary
Department of Chemicals and Petro Chemicals
Ministry of Chemicals and Fertilizers
Shastri Bhawan New Delhi-001.

2 The Director General
CIPET-Head Office
Central Institute of Plastics Engineering
and Technology
T.V.K. Industrial Estate Guindy
Chennai-600 032.

3 The Principal Director & Head
Central Institute of Plastics
Engineering and Technology
T.V.K. Industrial Estate Guindy
Chennai-600 032.

4 The Registrar
Central Administrative Tribunal
Madras Bench Chennai.

.. Respondents

Prayer:

Writ filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records relating to the interim order dated 26.03.2018 passed in O.A. 310/00375 of 2018 and quash the same and for consequential direction directing the respondents to allow the petitioners to function as Assistant Professor in Manufacturing Department till the disposal of O.A. 310/00636/2017 & O.A. 310/00375 of 2018.

For petitioners : Ms.Parvin Banu.L
For R1 : No appearance.
For RR2 and 3 : Mr.V.Perumal

COMMON ORDER

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

Heard the learned counsel appearing for the parties.

2. The factual matrix behind the filing of the writ petition is as under:-

The petitioners were appointed as Assistant Professors on contract basis by the respondent Institution initially and they had been working for more than 5 to 8 years. Contending that attempts were being made by the authorities to terminate the services of the petitioners and appoint fresh candidates, the petitioners had obtained orders from the Tribunal on the earlier round of litigation to the effect that the respondents shall not make any new appointments without the leave of the Tribunal. However, it is the case of the petitioners that the respondents proceeded to make new appointments and hence, they had moved the present applications before the Tribunal.

3. In the present applications, the Tribunal had originally issued a direction to the respondents to permit the petitioners to continue in the post of Assistant Professor, but, later, on appreciating the reply filed by the respondents to the effect that no fresh appointment was made after terminating the contract of the applicant and even prior to the date of interim order to continue the petitioners in the post of Assistant Professors, they had been terminated from service on 7.3.2018, the Tribunal had observed as under:-

"8. In view of the submissions, the matter be posted before Division Bench for final disposal on 4.6.2018. In the meantime if the applicants had any concrete evidence that fresh appointments on contract basis had been made in their place in the field to which they belonged, they shall be at liberty to move a contempt petition before

this Tribunal."

4. The plea of the respondents is that at the given point of time, the petitioners were appointed on contract basis as there were no sanctioned post and thereafter, they thought of issuing fresh notification for selecting the candidates. However, the Tribunal while dealing with the matter, has observed on the above lines. Though the order passed by the Tribunal is in the nature of interim order, it appears to be a little conclusive observing that there is scope for filing contempt. But, it is contended by the learned counsel for the petitioners that as the petitioners had already been terminated, contempt could not be maintained.

5. However, we make it clear that it is only left open to the petitioners to approach the Tribunal, if so advised, with Contempt Petitions within a period of two weeks from the date of receipt of a copy of this order and in turn, the Tribunal shall take up the matters pending before it along with the applications for contempt, if any, to be filed for violation of the order passed by the Tribunal.

6. The writ petitions are disposed of accordingly. No costs. The connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.
To:

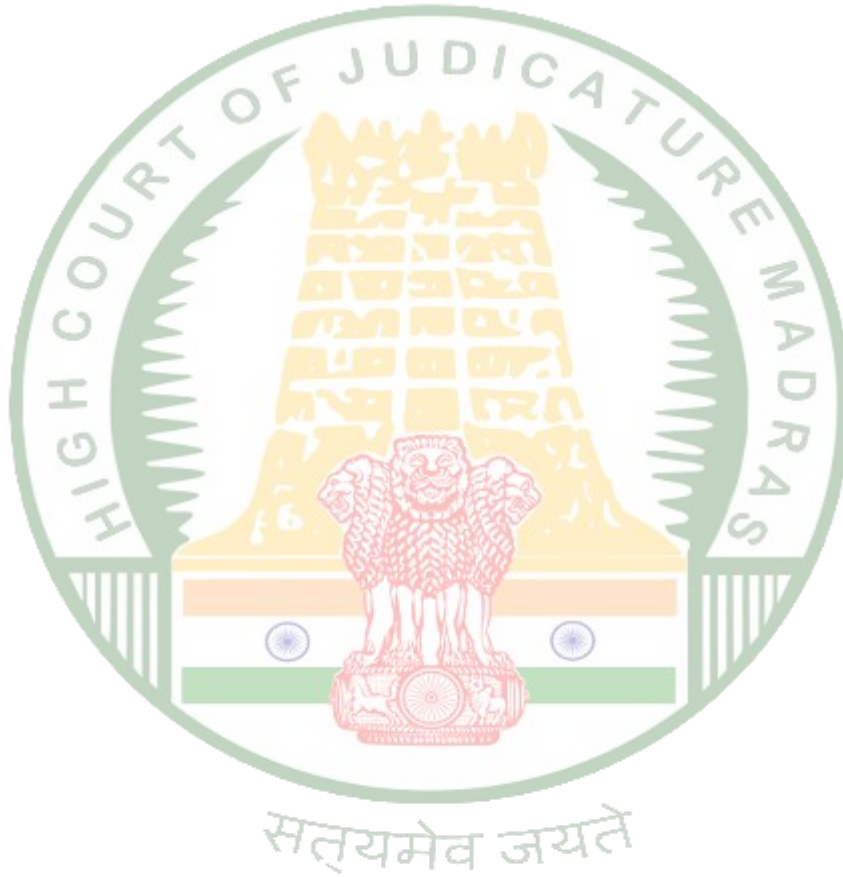
- 1 The Secretary
Department of Chemicals and Petro Chemicals
Ministry of Chemicals and Fertilizers
Shastri Bhawan New Delhi-001.
- 2 The Director General
CIPET-Head Office
Central Institute of Plastics Engineering
and Technology
T.V.K. Industrial Estate Guindy
Chennai-600 032.
- 3 The Principal Director & Head
Central Institute of Plastics
Engineering and Technology
T.V.K. Industrial Estate Guindy
Chennai-600 032.

4 The Registrar
Central Administrative Tribunal
Madras Bench Chennai.

+2cc to Mr.V.Perumal, Advocate, S.R.No.35137, 35184
+1cc to M/S.Row & Reddy, Advocate, S.R.No.35077

W.P.Nos.7935 to 7940 of 2018

KAN(CO)
CS/14/06/18



WEB COPY