

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.08.2019

CORAM

The Honourable Mr.JUSTICE K.K.SASIDHARAN  
and  
The Honourable Ms.JUSTICE P.T.ASHA

W.P.No.23278 of 2019  
and  
WMP.No.22998 of 2019

R. Kannan

..Petitioner

Vs.

1. Union of India  
Represented by its Secretary,  
Ministry of Defence,  
Room No.101-A, South Block,  
New Delhi- 110011.

2. The Director General,  
Director General of Quality Assurance  
Department of Defence Production  
Room No.308-A, D-1 Wing,  
Sena Bhavan, New Delhi- 110011.

3. Additional DGQA (A),  
Director General of Quality Assurance (Armts),  
PO. Inchapur- Nawabganj, North 24 Parganas  
West Bengal-743144.

4. Controller,  
Controllerate of Quality Assurance (Small Arms),  
PO. Ichapur- Nawabganj, North 24 Parganas  
West Bengal -743144

5. SQAQ  
Senior Quality Assurance Establishment (A)  
Trichy 620016.

6. SQAQ  
Senior Quality Assurance Establishment (SA)  
Ichapur, West Bengal.  
PIN-743144.

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7. The Central Administrative Tribunal  
Chennai.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified mandamus or any other appropriate writ, order or direction in the nature of a writ, calling for the records in proceedings dated 19.07.2019 (issued on 26.07.2019) in O.A.No.310/950/2019 passed by the 7<sup>th</sup> respondent and quash the same and to direct the respondents 1 to 6 to not to relieve the petitioner pending disposal of the afore said original Application by the 7<sup>th</sup> respondent.

For petitioner : Mr. M. Ravi

For Respondents : Mr. M. Aravid Kumar for R1 to R6  
R7- Tribunal

O R D E R

(Order of the Court was delivered by K.K.SASIDHARAN,J)

The petitioner who was employed as Assistant Engineer, SQAE (A), Trichy was transferred to Ichapur, West Bengal. The transfer order was challenged before the Tribunal. The Interim Application filed by the petitioner was rejected by the Tribunal with an observation that no prima facie case was made out for the grant of interim relief pending disposal of the original application. The order is under challenge in this Writ Petition.

2. We have heard Mr. Ravi M, learned counsel for the petitioner and Mr.M. Arvind Kumar, learned counsel for respondents 1 to 6.

3. The petitioner was earlier transferred from Trichy to Ichapur. The petitioner challenged the said order before the Tribunal in O.A.No 1770 of 2017, and the Tribunal vide order dated 31.07.2018 allowed the Original application. It was only thereafter the present order was passed transferring the petitioner again from Trichy to Ichapur, West Bengal.

4. The petitioner has been working at Trichy for the past 14 years when it was pointed out as to how the petitioner could be permitted to work at Trichy in spite of his long service, the learned counsel for the petitioner on instructions submitted that the petitioner would be satisfied in case he is given liberty to submit a representation for transferring back to Trichy taking into account the request made by another employee who was transferred to Chennai in his place.

5. The learned counsel for the petitioner made an endorsement in the records indicating that he is withdrawing the Writ Petition with liberty to make a representation to the second respondent.

6. We permit the petitioner to submit a representation to the second respondent for posting at Chennai or any other place after joining at Ichapur. In case any such representation is given, after joining at Ichapur and working there continuously at least for a period of one month, it would be considered by the second respondent on merits and as per law. In case the incumbent who is posted at Chennai is permitted to continue in the present place, the said fact should also be considered by the second respondent. In any case the representation for transfer should be considered and disposed of within a period of four (4) weeks on receipt of representation which would be four (4) weeks after working at Ichapur.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed. I

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

mrn

To

1. Union of India  
Represented by its Secretary,  
Ministry of Defence,  
Room No.101-A, South Block,  
New Delhi- 110011.

2. The Director General,  
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Room No.308-A, D-1 Wing,  
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Controllerate of Quality Assurance (Small Arms),  
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5. SQA0  
Senior Quality Assurance Establishment (A)  
Trichy 620016.

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Senior Quality Assurance Establishment (SA)  
Ichapur, West Bengal.  
PIN-743144.

7. The Central Administrative Tribunal  
Chennai.

+1cc to Mr.M.Ravi, Advocate, S.R.No. 68227

+2cc to Mr.M.Arvind Kumar, Advocate for SCGPC , S.R.No. 68335

W.P.No.23278 of 2019  
and  
WMP.No.22998 of 2019

NR(CO)  
GN(13/08/2019)



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