

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.09.2019

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.26255/2019 & WMP.No.25639/2019

T.K.Krishnakumar ... Petitioner

Versus

- 1.Union of India  
represented by the Secretary  
to Government, Ministry of Shipping  
Transport Bhavan, Government of  
India, 1, Sansad Marg,  
New Delhi 110 001.
  - 2.The Director General of Shipping  
[Ministry of Shipping], 9<sup>th</sup> Floor  
Beta Building, i-Think Techno Campus  
Kanjurmarg [East]  
Mumbai 400 042.
  - 3.Under Secretary to Government  
Department of Personnel and Training  
North Block, Central Secretariat,  
New Delhi, Delhi 110 001.
  - 4.The Secretary  
Union Public Services Commission,  
Dholpur House, Shahjahan Road  
New Delhi 110 069.
  - 5.Assistant Director General of Shipping  
Directorate General of Shipping, Mumbai  
Ministry of Shipping, Government of India.
  - 6.The Registrar  
Central Administrative Tribunal  
Chennai 600 104.
- .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for certiorarified mandamus calling for the records relating to Notice dated 02.08.2019 issued by the 6<sup>th</sup> respondent Tribunal in OA.No310/1035/2019 and consequently to restrain the respondents from making any appointment to the post of Shipping Master/Director by method of deputation pending disposal of OA.No.310/1035/2019.

For Petitioner : Mr.P.V.S.Giridhar for  
M/s.Giridhar and Sai  
For RR1,2,3&5 : Mr.G.Karthikeyan, ASG

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.,]

- (1)The petitioner is the Applicant in OA.No.310/1035/2019 and he filed the said Original Application to declare that the Shipping, Seamen's employment and Seamen's Welfare Officer [Group A and Group B Posts] Recruitment Rules, 1995, insofar as ''transfer on deputation'' is provided as a method of recruitment to fill up the post of Shipping Master is concerned, as invalid and unconstitutional with consequential prayers, calling for the records relating to the orders dated 18.04.2018 ; 28.12.2015 and 12.06.2019 and to quash the same with a further direction, directing the official respondent to consider his claim for promotion to the post of Shipping Master by relaxing the Recruitment Rules if deemed necessary with all consequential benefits.
- (2)The writ petitioner, pending disposal of the Original Application, also prayed for appropriate direction, directing the respondents 1 and 2 to promote him to the post of Shipping Master on an Ad hoc basis or in the alternative, to restrain the respondents from making any appointment to the post of Shipping Master/Director by method of deputation, pending disposal of the Original Application.
- (3)The said Original Application was admitted on 02.08.2019 and notice was ordered and the Tribunal also directed listing of the matter before the Registrar for completion of the pleadings with a further direction to list the matter on 07.11.2019. The Original Applicant/writ petitioner, challenging the said proceedings of the Tribunal in ordering notice alone, came forward to file the present writ petition.

- (4)The learned counsel for the petitioner would submit that though there is no practice to file a separate miscellaneous petition for interim orders, the fact remains that a prayer has been made for grant of interim relief and though the Tribunal has admitted the matter, ought to have decided the interim prayer and therefore, prays for appropriate orders.
- (5)Mr.G.Karthikeyan, learned Assistant Solicitor General accepts notice on behalf of the respondents 1, 2, 3 and 5 and he would submit that the writ petition is not maintainable against the order of Tribunal in ordering notice and prays for dismissal of the writ petition.
- (6)This Court has considered the rival submissions and also perused the materials placed before it.
- (7)A perusal of the impugned order dated 02.08.2019 passed by the Tribunal would disclose that the main Original Application was admitted with a direction to list the matter before the Registrar for completion of the pleadings and also to post the main matter on 07.11.2019. It is to be noted at this juncture that the petitioner also prays for interim relief. Therefore, it is obligatory on the part of the Tribunal to consider the prayer for interim relief also.
- (8)In the light of the above facts and circumstances, the Central Administrative Tribunal, Chennai Bench, shall accord priority and decide the interim relief prayed for by the writ petitioner as expeditiously as possible, and not later than eight weeks from the date of receipt of a copy of this order.
- (9)The writ petition stands disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Secretary to Government,  
Union of India, Ministry of Shipping  
Transport Bhavan, Government of  
India, 1, Sansad Marg,  
New Delhi 110 001.

2.The Director General of Shipping  
[Ministry of Shipping], 9<sup>th</sup> Floor  
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3.The Under Secretary to Government  
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5.Assistant Director General of Shipping  
Directorate General of Shipping, Mumbai  
Ministry of Shipping, Government of India.

6.The Registrar  
Central Administrative Tribunal  
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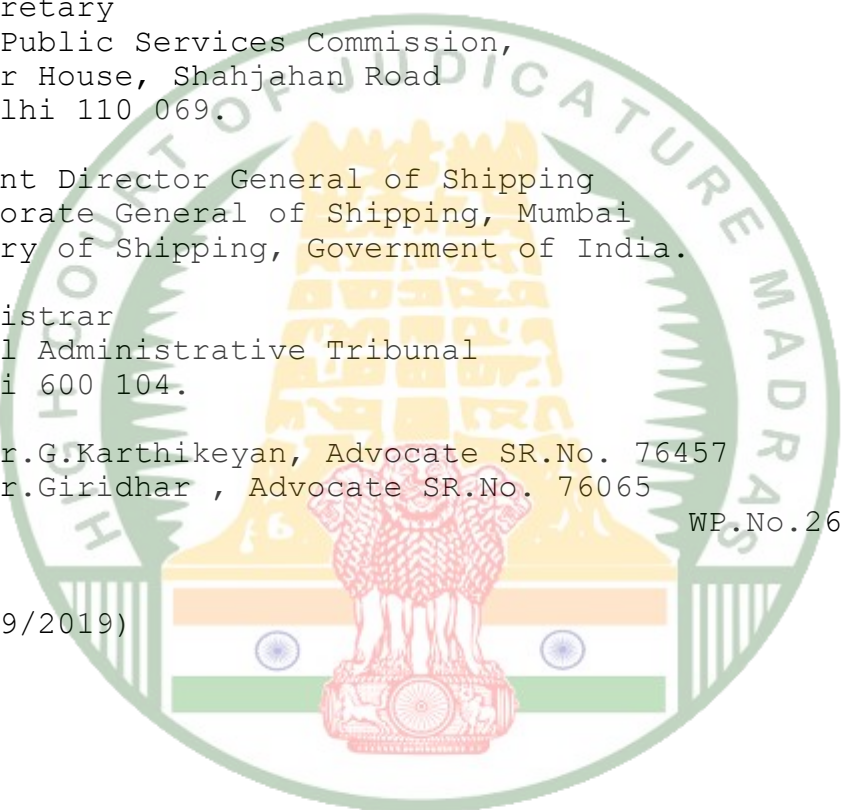
+1cc to Mr.G.Karthikeyan, Advocate SR.No. 76457

+1cc to Mr.Giridhar , Advocate SR.No. 76065

WP.No.26255/2019

pvs

A.SK(30/09/2019)



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