

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.19749/2020 & WMP.No.24392/2020

J.Mani .. Petitioner

Versus

1.The Union of India
rep.by the Joint Director,
National Institute of Fashion
Technology, NIFT Campus
Rajiv Gandhi Salai,
Taramani, Chennai 600113.

2.The Registrar
Central Administrative Tribunal
Chennai Bench, Chennai 600 104.

Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the entire records pertaining to the order made in OA.No.491 of 2020 dated 12.11.2020 on the file of the Registrar, Central Administrative Tribunal, Chennai Bench, the 2nd respondent herein and quash the same as highly illegal arbitrary, unreasonable, being violative of rules and principles of natural justice and thereby direct the 1st respondent herein to reinstate the petitioner into service.

For Petitioner : Mr.Suresh for Mr.G.Dharoga
For R1 : Mr.R.Sankaranarayanan
Assistant Solicitor General

ORDER

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

(1)By consent, the writ petition is taken up for final disposal and is disposed of by this order.

(2)Mr.R.Sankaranarayanan, learned Assistant Solicitor General accepts notice on behalf of the 1st respondent.

- (3) The Director of National Institute of Fashion Technology [NIFT], Chennai-113, has lodged a complaint to the Chairperson of ICC, dated 05.10.2020 alleging harassment and also misbehaviour and intruding into the private affairs by the petitioner who is employed as a driver and ICC is yet to conclude the proceedings and however, the Fact Finding Committee has concluded the local enquiry.
- (4) The petitioner, in contemplation of the same, has been suspended vide order dated 05.10.2020 and by making a challenge to the same, filed OA.No.491/2020 and the Tribunal, vide impugned order dated 12.11.2020, has dismissed the said Original Application and challenging the said order, the present writ petition came to be filed by the petitioner.
- (5) The learned counsel for the petitioner would submit that since the Fact Finding Committee has concluded the enquiry, there is no necessity to keep the petitioner under suspension for the reason that there is a likelihood of tampering of evidence etc.
- (6) This Court heard the submissions of Mr.R.Sankaranarayanan, learned Assistant Solicitor General appearing for the 1st respondent and also perused the materials placed before it.
- (7) The petitioner did not challenge the jurisdiction of the 1st respondent in placing him under suspension and the only ground urged is that the Fact Finding Committee has concluded the enquiry and there is no necessity to keep the petitioner under suspension. The Tribunal, has taken note of the Rule position, i.e., Rule 10[1] of the Central Civil Services [Classification, Control and Appeal] Rules, 1965 and found that the suspension order cannot be reviewed after ninety days and whereas, only thirty six days had elapsed. In the considered opinion of the Court, no tenable grounds have been raised in the present writ petition.
- (8) It is also a well settled position of law that suspension is also a prerogative of the employer and in the absence of any tenable and legal challenge, this Court is unable to interfere with the order passed by the 2nd respondent/Tribunal.
- (9) In the result, the writ petition stands dismissed confirming the order passed by the 2nd respondent in OA.No.491/2020 dated 12.11.2020. No costs. Consequently, the connected miscellaneous petition is closed.

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Assistant Registrar

//True copy//

Sub Assistant Registrar

To

1.The Joint Director, Union of India,
National Institute of Fashion
Technology, NIFT Campus
Rajiv Gandhi Salai,
Taramani, Chennai 600113.

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Chennai Bench, Chennai 600 104.

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