

16.08.2021  
SL No.5  
Court No.16  
(gc)

**WPCT 53 of 2021**

**National Institute of Fashion Technology  
Vs.  
Dr. Monika Aggarwal**

**(Via Video Conference)**

Mr. Soumya Majumder,  
Mr. Niladri Bhattacharjee,  
Mr. Soham Bandyopadhyay,  
Mr. Aditya Chaturvedi,  
...for the Petitioner.  
Mr. A.K. Behara,  
Mr. A.P. Singh,  
...for the Respondent.

This writ petition is directed against an order dated 15<sup>th</sup> July, 2021 passed by the Central Administrative Tribunal in connection with O.A. No.350/858/2021. In the main application, the respondent herein has filed an application being M.A.No.350/342/2021 for an interim order. The learned Tribunal after consideration of the relevant factors including the nature of the charges levelled against the private respondent granted status quo as on 15<sup>th</sup> July, 2021 till the next date of hearing.

It has been contended before us by the learned Counsel representing the respondent that due to absence of the writ petitioner, no hearing could take place on 20<sup>th</sup> July, 2021, although the respondent was represented on the adjourned date. It is even contended that on the subsequent dates, due to inability of the learned Counsel representing the writ petitioner to proceed with the matter

or due to his absence, the Tribunal could not proceed with the hearing of the matter.

Mr. Soumya Majumder, learned Counsel appearing on behalf of the petitioner, however, contradicts the said submission and it has been specifically argued before us that Mr. Majumder was personally present on 12<sup>th</sup> August, 2021 when the interim order was extended till 18<sup>th</sup> August, 2021 and the matter has been posted for final consideration on 18<sup>th</sup> August, 2021. Mr. Majumder has further submitted that the respondent has handed over her charge to the Institute on 20<sup>th</sup> July, 2021 and thereafter a Campus Director-in-charge has been appointed by the Institute. The apprehension of Mr. Majumder is that this handing over of the charge by the respondent to the Institute may be construed as a violation of the order but the present petitioner is helpless as the said campus has to be monitored and the work must go on. In effect, a prayer for modification of the said order has been made before us.

We feel that if there is any change in circumstance, the same should be brought to the notice of the learned Tribunal for variation and/or modification of the interim order passed in favour of the writ petitioner. The learned Tribunal is *in seisin* over the matter and it is just and proper that the writ petitioner may approach the Tribunal for such modification as it may deem fit and proper due to subsequent events. However, we are not inclined to interfere with the order passed by the learned Tribunal which is interim in nature.

With the aforesaid observation, the writ petition being WPCT 53 of 2021, accordingly, stands disposed of.

However, there shall be no order as to costs.

We make it clear that we have not gone into the merits of the matter.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

**(Hiranmay Bhattacharyya, J.)**

**(Soumen Sen, J.)**