



W.P.No.1436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

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M.Ramesh Kumar

... Petitioners

Vs.

- 1.Union of India,
Ministry of Textiles,
Represented by its Secretary,
Udyog Bhavan, Rafi Ahmed Kidwai Marg,
Central Secretariat, New Delhi – 110 011.
- 2.The Director General & Disciplinary Authority,
National Institute of Fashion Technology,
NIFT Campus, Hauz Khas, Near Gulmohar Park,
New Delhi – 110 016.
- 3.The Campus Director,
National Institute of Fashion Technology,
NIFT Campus, Doorbhash Nagar,
Raebareli – 229 010, UP(India).
- 4.The Joint Director,
National Institute of Fashion Technology,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari Mandamus by calling for the records pertaining to the order passed by the Central Administrative Tribunal in OA/310/11422/2023, dated 16.11.2023 directing the respondents to complete



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the departmental enquiry within 3 months from the date of receipt of the order and quash the same as illegal, arbitrary, ultra virus and consequently, direct the 2nd respondent herein to revoke the charges levelled against the petitioner through said office Memorandum vide reference No.1208(24)/NIFT/HO/Estt-II/Chennai Campus/2021, dated 06.12.2021 issued by the 2nd respondent and grant all attendant benefits including promotion and increment.

For Petitioner : Mr.S.Giritharan

For Respondents : Mr.C.Samivel,
Senior Central Government Standing Counsel

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The present Writ Petition has been instituted challenging the order of the Central Administrative Tribunal dated 16.11.2023 in O.A.No.422 of 2023.

2. It is not in dispute that charge memorandum has been issued by the Competent Authority in Proceeding dated 06.12.2021, framing two charges against the Writ Petitioner. The Writ Petitioner was holding the post of Research Assistant at National Institute of Fashion Technology. The petitioner challenged the charge memorandum dated 06.12.2021 before the Tribunal and at the time of hearing of the application by the Tribunal, the learned counsel for the petitioner made a submission that enquiry was completed and disciplinary Authority had not passed orders. Recording the submission, the Tribunal directed the respondents to complete all the formalities and pass final orders



within a period of three months. The said order came to be challenged in the present Writ Petition.

3. Learned Standing counsel appearing on behalf of the respondents would submit that interim stay was granted in the present Writ Petition. Therefore, the Disciplinary Authority is unable to take final decision and pass appropriate orders.

4. The very order under challenge would provide no cause to the petitioner, since the petitioner himself submitted before the Tribunal that the domestic enquiry was completed and final order alone is to be passed by the Disciplinary Authority by following further procedures as contemplated under Disciplinary Rules. That being so, the present Writ Petition is not entertainable.

5. The Writ against the charge memo per se is not entertainable, since the charge memo would not provide a cause for institution of Writ Petition, unless such charge memo has been issued by an incompetent authority having no jurisdiction or allegation of malafide are raised. In the event of raising an allegation of malafide, the authority against whom such allegation is raised must be impleaded as party respondent in the petition. However, in the present case,



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the domestic enquiry had already been completed and that being so, the respondents shall follow further procedures as contemplated under the Rules and pass final order in the departmental disciplinary proceeding as expeditiously as possible.

6. With the above observations, the Writ Petition stands dismissed.
No costs. Consequently, the connected Miscellaneous Petition, if any, is closed.

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

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To

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