

**Central Administrative Tribunal
Madras Bench**

OA/310/00878/2017

Dated Monday the 8th day of October Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R.Ramanujam, Member(A)
&
Hon'ble Mr.P.Madhavan, Member(J)**

W.John Basha,
No.23C, New No.91,
Seeyalam East Street,
Villivakam,
Chennai 600 049. .. Applicant
By Advocate **M/s.Yogesh Kannadasan**

Vs.

1. Union of India, rep by
The Registrar,
Indian Maritime University,
East Coast Road, Uthandi,
Chennai 600 119.
2. Union of India, rep by the
Director,
Indian Maritime University,
East Coast Road, Uthandi,
Chennai 600 119. .. Respondents
By Advocate **Mr.K.R.Tamizhmani**

ORAL ORDER

[Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)]

Heard. The applicant has filed this OA seeking the following relief:-

“to call for the records of the proceedings bearing reference No.IMU/EST/HQ/STAFF/01/2017 dated 09.5.2017, of the first respondent and to quash the orders passed therein and pass such other or further orders as this Tribunal may deem fit to pass and render justice.”

2. It is submitted that the applicant is working as Lecturer (Marine Engineering) in Indian Maritime University(IMU), Chennai. He had been transferred to IMU, Kolkata campus by impugned order dated 09.5.2017. It is alleged that the respondents had passed the impugned order with a malafide intent. Considering the facts and circumstances of the case as presented before the Bench on 15.6.2017, an interim order of stay of the operation of the impugned order dated 09.5.2017 was passed so as to enable the applicant to serve at Chennai, pending disposal of the OA.
3. Learned counsel for the respondents would submit that the applicant had been transferred to Kolkata on administrative grounds as the applicant was a Lecturer (Marine Engineering-Mechanical) could not continue to be employed in Chennai. There had been no intake of students in the said branch at Chennai. On the other hand, there was a need to supplement the staff strength at Kolkata. It is also submitted that there were no regular Lecturers (Marine Engineering) in IMU above or below the applicant at Chennai and, therefore, there is no question of any discrimination against the applicant.
4. As for the allegation of malafide, learned counsel for the respondents submits that the applicant had failed to substantiate his allegation. It was baseless and wholly untrue.
5. On perusal, it is seen that the applicant had obtained an interim order of stay alleging malafide against the respondents. It has not been substantiated with any evidence till date.

6. We are satisfied that the submission of the respondents that it is not possible to continue the applicant at Chennai as there has been no intake in Marine Engineering-Mechanical. On the other hand, there is a need to supplement the staff strength at Kolkata. The applicant's transfer in such circumstances appears justified. Accordingly, this OA being devoid of merits is liable to be dismissed and the interim stay vacated as a consequence thereof.

7. At this stage, learned counsel for the applicant submits that the applicant had been given to understand that the respondents are starting the course again in Chennai and accordingly there is scope for him to be accommodated at Chennai itself. It is also submitted that the applicant proposed to submit a representation in this regard which may be directed to be considered by the respondents. Learned counsel for the respondents would submit that if a representation is submitted, the respondents would consider it separately on merits without being prejudiced by this order.

8. Recording the above submission, the OA is disposed of. No costs.

(P.Madhavan)
Member(J)

08.10.2018

(R.Ramanujam)
Member(A)

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