

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

KOLKATA BENCH

OA/350/315/2019
MA/350/169/2019

Smt. Jayati Mukherjee

wife of Sri Kalyan Kumar Mukherjee,
aged about 50 years, Associate Professor,
National Institute of Fashion Technology
(NIFT), presently posted at Patna NIFT
Campus, Mithapur Farms, Patna 800001,
Bihar, earlier posted at Kolkata NIFT
Campus, Plot No. 3B, LA Block, Salt
Lake City, Sector - III, Kolkata 700098,
resident of 17, Nazrulpally,
Mahamayatala, Garia, Kolkata 700084,
West Bengal and also residing at Hotel
Mani International, Opposite Jakkanpur
Thana and NIFT Mithapur Bus Stand
Road, Mithapur, Patna-800001, Bihar

..... Applicant

- Versus -

1. The Union of India, service through
the Secretary, Ministry of Textiles,
Government of India, Room No. 130-A,
Udyog Bhawan, New Delhi 110 011

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2. National Institute of Fashion Technology (NIFT), Head Office (HO), service through the Director General, NIFT HO, NIFT Campus, HauzKhas, Near Gulmohur Park, New Delhi 110016

3. The Board of Governors (BoG), National Institute of Fashion Technology, service through the Chairperson, BoG - NIFT, c/o, Registrar - HO, Establishment Department II, NIFT HO, NIFT Campus, HauzKhas, Near Gulmohur Park, New Delhi 110016

4. The Director, National Institute of Fashion Technology, Kolkata, NIFT Campus, Plot No. 3B, LA Block, Salt Lake City, Sector - III, Kolkata 700098

5. Col. Subroto Biswas (Retired), Director, National Institute of Fashion Technology, Kolkata, NIFT Campus, Plot No. 3B, LA Block, Salt Lake City, Sector - III, Kolkata 700098

..... Respondents

CSL

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CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH

O.A/350/315/2019
MA./350/169/2019

Date of Order: 08.03.2019

Coram: Hon'ble Mr. A.K Patnaik, Judicial Member

Smt. Jayati Mukherjee -vs- NIFT, M/o Textiles

For the Applicant(s): Mr. B. Samanta, Counsel

For the Respondent(s): Mr. J. Mukherjee, Counsel

Mr. R. Halder, Counsel

ORDER (ORAL)

A.K Patnaik, Member (I):

Heard Mr. B. Samanta, Ld. Counsel for the applicant, and Mr. J. Mukherjee, Ld. Counsel appearing for Respondent Nos. 4 and 5, in extenso.

2. As no-one appears on behalf of the Respondent Nos. 1, 2 and 3 and Mr. R. Halder, Ld Counsel, who usually appears for these Respondents, is present in the Court, on my request, Mr. Samanta has served copy of the O.A., along with annexures, on him as I do not want the Official Respondents to go unrepresented.

Heard Mr. R. Halder, in extenso.

3. The applicant has moved this Tribunal under Section 19 of the Administrative Tribunals Act, 1985 praying for the following relief:

"a) Direction do issue quashing and/or setting aside the appointment of the private respondent as Director, NIFT, Kolkata campus under Circular dated 13.02.2017 in terms of offer of appointment dated 24.01.2017, and thereupon directing /declaring that the applicant is entitled to the said post of Director, NIFT, Kolkata campus, with all consequential benefits;

b) Direction do issue upon a competent authority to enquire into the allegations made in the instant application and fix up responsibility and thereupon a direction do issue for proceeding in accordance with law on the basis of such report on fixation of responsibilities for such illegalities/irregularities;

Wd

c) Direction in the nature of certiorari do issue upon the respondent authorities directing them to produce and/or cause to be produced the entire records of the case and thereupon to pass necessary orders for rendering conscionable justice;

d) Cost and costs incidental thereto;

e) And/or to pass such other or further order or orders as to your Lordships may seem fit and proper."

4. Brief facts of the case of the applicant as narrated by Ld. Counsel for the applicant is that the applicant joined NIFT, Kolkata as Assistant Professor on contract basis in the year 2003 and subsequently was regularised. In September 2016, application was invited for the post of Campus Director and the applicant applied for the said post and was shortlisted for interview. However, Private Respondent was selected for the said post. Thereafter, the applicant was transferred to Patna and thereafter, filed an RTI asking for information regarding selection process for the post of Director. It is submitted that from the documents obtained from RTI the applicant came to know that the selection process was in gross violation of Recruitment Rules. On being asked whether the applicant has ventilated his grievance before the authorities, Ld. Counsel for the applicant submitted that after receipt of RTI reply, the applicant has approached this Tribunal. However, he prays liberty of this Tribunal to ventilate his grievance before the authorities.

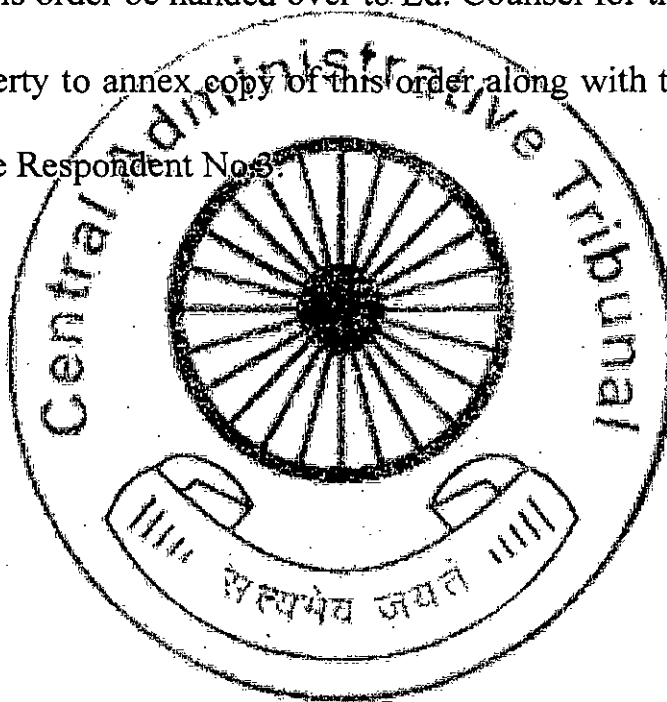
5. Having heard Ld. Counsel for both the parties, I dispose of this O.A. by granting liberty to the applicant to make a comprehensive representation putting forth his grievance before Respondent No.3 within a period of two weeks from the date of receipt of copy of this order and if such representation is preferred by the applicant within two weeks from the date of receipt of copy of this order then Respondent No.3 is directed to consider the same as per rules and regulations governing the field and communicate the result thereof by well reasoned order

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within a period of six weeks from the date of receipt of representation. Although, I have not expressed any opinion on the merit of the matter still then I make it clear that if after such consideration it is found that the grievance of applicant is genuine and some inadvertent mistake was committed during the selection process then expeditious steps be taken within a further period of six weeks to give the applicant appointment.

6. With the aforesaid observation and direction, this O.A. stands disposed of. Consequently, M.A. No. 169/2019 is also disposed of. No costs.

7. Copies of this order be handed over to Ld. Counsel for the parties. Applicant is also granted liberty to annex copy of this order along with the representation to be preferred before Respondent No.3.



(A.K.Patnaik)
Member(J)

RK/PS