

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2016

CORAM:

THE HON'BLE MR.JUSTICE A.SELVAM

AND

THE HON'BLE MR.JUSTICE P.KALAIYARASAN

Writ Petition No.28571 of 2015

1. The Union of India
Rep. by the Secretary
Department of Telecommunication
Sanchar Bhavan
20, Ashoka Road
New Delhi - 110 001
 2. The Secretary
Department of Posts
New Delhi - 110 001
 3. The Chief Postmaster General
Tamil Nadu Circle
Anna Road
Chennai - 600 002
 4. The Chief General Manager
BSNL, Chennai Telephones
Chennai - 600 002
 5. The Principal General Manager (Finance)
O/o. Chief General Manager
Chennai Telephones
No.78, Purasawalkam High Road
Chennai - 600 010
- .. Petitioners

Vs.

1. The Postal and other Govt. Pensioners'
Welfare Association
Rep. by its Secretary
G. Kannan
No.258/26, 3rd street
TVS Nagar, Padi Post Office
Chennai - 600 050

2. K. Purushothaman
President
The Postal and Other Govt. Pensioners'
Welfare Association
No.258/26, 3rd Street
TVS Nagar, Padi Post Office
Chennai - 600 050
3. T. Ramadas
No.35, Thirumalai Road
T. Nagar
Chennai - 600 017
4. Central Administrative Tribunal
Rep. by its Registrar
Madras Bench
Chennai - 600 104 ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the fourth respondent-Tribunal in O.A.No.310/00489/2014 dated 25-03-2014 and quash the same.

For petitioners : Mr. V.P. Sengottuvel, SCGSC

For Respondents : Mr. R. Malaichamy for RR1 to 3
R4 - Tribunal

ORDER

(Order of the Court was delivered by A.SELVAM,J.)

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order dated 25-03-2014 passed in O.A.No.310/00489/2014 by the Central Administrative Tribunal, Madras Bench and quash the same.

2. The respondents herein as applicants have filed O.A.No.310/00489/2014 on the file of the Central Administrative Tribunal, Madras Bench wherein the present petitioners have been arrayed as respondents.

3. In the Original Application, it is averred that the first applicant is an Association of Retired Employees of Postal Department represented by its Secretary, the second applicant is its President and the third applicant is one of the members of the said Association. Further, it is averred in the application

that as per the decision given in O.A.No.483 of 2013, by the Ernakulam Bench, the persons mentioned in the application are entitled to get telephone connection on the basis of concessional rates. Under the said circumstances, the present application has been filed for getting the relief sought therein.

4. The Central Administrative Tribunal, Madras Bench after considering the divergent contentions raised on either side has directed the respondents to consider and dispose of the representations of the applicants dated 23-12-2013, 26-12-2013, 30-12-2013, 31-12-2013, 03-01-2014, 06-01-2014 and 28-01-2014 by way of passing the impugned order and the same is being challenged in the present writ petition.

5. The learned counsel appearing for the writ petitioner has contended that the Central Administrative Tribunal has erroneously given such kind of direction. Under such circumstances, the present writ petition has been filed for quashing the impugned order.

6. The learned counsel appearing for the respondents has contended that even though in the application a specific prayer has been sought to the effect that the respondents should be directed to give telephone connection on the basis of concessional rates as per the decision given in O.A.No.483 of 2013, Ernakulam Bench, the Central Administrative Tribunal on the basis of available circumstances has directed the respondents to consider the representations of the applicants by way of passing the impugned order and therefore, the impugned order passed by the Central Administrative Tribunal need not be set aside.

7. As adverted to earlier, the specific prayer sought in the Original Application is to direct the respondents to extend the benefit of the judgment made in O.A.No.483 of 2013 dated 17-07-2013 by Ernakulam Bench of this Honourable Tribunal, with regard to grant of concessional telephone facility to the members of the first applicant Welfare Association.

8. The Central Administrative Tribunal has simply directed the respondents to consider the representations given by the first applicant.

9. Considering the relief sought in the Original Application and also considering the nature of relief given by the Central Administrative Tribunal, Madras Bench, this Court is of the view that the Central Administrative Tribunal has acted well within its limit and it is for the petitioners/respondents to consider and dispose of the representations given by the Members of the first applicant-Welfare Association on the basis of the decision given in O.A.No.483 of 2013, by the Ernakulam

Bench. Therefore, viewing from any angle, the order passed by the Central Administrative Tribunal does not suffer from any infirmity nor illegality. Under the said circumstances, the present petition is liable to be dismissed.

10. In fine, the writ petition is dismissed without costs. The order dated 25-03-2014 passed in O.A.No.310/00489/2014 by the Central Administrative Tribunal, Madras Bench is confirmed. Consequently, connected M.P.No.1 of 2015 is also dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

glp

To

1. The Registrar
Central Administrative Tribunal
City Civil Court Campus

+1 cc to Mr.V.P.Sengottuvel Advocate sr 44775

+1 cc to M/s.R.Malaichamy Advocate sr 44741

Writ Petition No.28571 of 2015

aa23/08/2016

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