

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 6008 of 2016**

- Vishwanath Ram Yadav, S/o Late Shri Piluram Yadav, aged about 70 years, retired Office Assistant, Postal Article Depot, Tikrapara, Raipur, R/o Yadav Para, Rajatalab, RAIPUR, District : Raipur (C.G.)

---- Petitioner**Versus**

1. Union of India, Through : The Secretary, Ministry of Communication, Department of Posts, Sanchar Bhawan, NEW DELHI – 110001.
2. The Dy. Director of Accounts (Postal) Department of Posts, Tikrapara, RAIPUR – 492001.

---- Respondents

For Petitioners	: None for the Petitioner
For Respondent/Union of India	: Shri N.K. Vyas, Assistant Solicitor General.

Hon'ble Thottathil B. Radhakrishnan, Chief Justice**Hon'ble Shri Justice Sharad Kumar Gupta****Order on Board****Per Thottathil B. Radhakrishnan, Chief Justice****27.06.2017**

1. When the matter came up for consideration at the stage of admission, there was an effort at two different stages to have an early disposal of the matter since it relates to a pensioner.
2. Hearing the matter today, we see that the case in hand requires a deeper consideration at the hands of the Tribunal since it may not be permissible for us under Article 227 of the Constitution of India to stretch beyond the jurisdictional and other issues and decide the case in the manner it could have been done by the Tribunal. We cautiously make this statement having regard to the contents of the counter affidavit filed by the Department and the pleadings in the Original Application filed before the Tribunal. The materials referred to by the Department in its counter and also the judgments cited by learned counsel for the Petitioner including the decision of Central

Administrative Tribunal, Principal Bench in *Central Government Pensioners Association & Ors. v. Union of India & Others* reported as 2012(1)(CAT) 183 and the judgment of the High Court of Delhi rendered on 29.04.2013 in WPC No. 1535 of 2012 and connections persuade us to take a view that the Original Application ought to have been decided by the Tribunal after admitting it to file thereby providing opportunity to the Department to place its pleadings and then for the Petitioner to counter such pleadings. This would have given an opportunity for a full and final adjudication and decision on the issues raised by the Petitioner.

3. For the aforesaid reasons, without expressing anything finally on merits, we vacate the order of the Tribunal and remit the matter to the Tribunal with a request that the Original Application be admitted paving way to the parties placing pleadings on record and thereafter consider the matter on merits *de novo*. Let this exercise be carried out at the earliest from the date of receipt of a copy of this order.
4. The writ petition is ordered accordingly.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge