

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.P.No.4055 of 2017
and
W.M.P.No.4202 of 2017

1.Union of India
rep. by the Chief Post Master General
Tamil Nadu Circle
Anna Salai, Chennai 600 002.

2.The Senior Superintendent of Post Offices
Madurai Division
Madurai 625 002. Petitioners

Vs

1.V.Rathinam

2.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 2nd respondent and quash the order dated 04.04.2016 in O.A.No.310/00553/2016 as the same is unsustainable.

For Petitioners : Mr.V.P.Sengottuvel

For Respondents : Mr.P.Mohanraj [for R1]

R-2 : Tribunal

O R D E R

K.K.SASIDHARAN, J.

The first respondent filed Original Application before the Tribunal challenging the order rejecting his request for compassionate appointment. The Tribunal, without considering the legality and correctness of the order passed by the second petitioner, directed the Postal Department to consider the issue regarding the compassionate appointment afresh. The order is under challenge at the instance of the Department of Posts.

2. We have heard the learned counsel for the petitioners. We have also heard the learned counsel for the first respondent.

3. The application submitted by the first respondent for compassionate appointment was rejected by the second petitioner by order dated 07 September 2015. The correctness of the said order was challenged by the first respondent before the Central Administrative Tribunal. The Tribunal was expected to consider the merits of the matter and decide as to whether the second petitioner was correct in rejecting the request made by the first respondent for compassionate appointment. The Tribunal, without making an attempt to consider the legality and correctness of the order passed by the second petitioner and without quashing the said order, directed the second petitioner to consider the matter afresh under the then existing Scheme. There is no question of considering the application once again without quashing the order rejecting the request made by the first respondent for compassionate appointment. We are, therefore, of the view that the impugned order is liable to be set aside.

4. In the result, the order dated 04 April 2016 is set aside. The application in O.A.No.310/00553/2016 is restored to file. The petitioners are given four weeks time from today to file the reply statement before the Tribunal. The Tribunal is requested to dispose of the Original Application as expeditiously possible and in any case, within a period of three months from the date of receipt of a copy of this order.

The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

gms

To

The Registrar
Central Administrative Tribunal
Madras Bench
Chennai 600 104.

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.43544

+1cc to Mr.P.Rajendran, Advocate, S.R.No.43312

W.P.No.4055 of 2017

NRI (CO)

<https://hcservices.ecourts.gov.in/hcservices/>
CA(05/07/2017)