

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2017

CORAM

THE HONOURABLE Mr.JUSTICE K.K.SASIDHARAN  
AND  
THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN

W.P.No.5126 of 2017  
and WMP.No.5422 of 2017

- 1.Union of India,  
Rep. by Director (Staff)  
Ministry of Communication and IT,  
Department of Posts, Dak Bhavan,  
Parliament Street, New Delhi - 110 001.
- 2.The Chief Post Master General,  
Anna Salai, Chennai - 600 002.
- 3.The Chief Postmaster General,  
General Post Office,  
Chennai - 600 001. ....Petitioner

Vs.

- 1.M.Elango
- 2.Central Administrative Tribunal,  
Rep. by its Registrar,  
Madras Bench, Chennai - 600 104. .... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records of the second respondent and quash the order dated 11.04.2016 in O.A.No.310/00080/2016.

For Petitioners : Mr.V.P.Sengottuvel

For Respondents : Mr.R.Malaichamy for R1

O R D E R

K.K.SASIDHARAN, J.

The Original Application filed by the first respondent in O.A.No.310/00080/2016 was allowed by the Tribunal, without even giving opportunity to the petitioners to file reply statement. Feeling aggrieved by the order dated 11 April 2016, the petitioners are before this Court.

2. Heard the learned Standing Counsel for the Petitioners and the learned counsel for the first respondent.

3. The first respondent challenged the order, dated 21 November 2015, rejecting his claim for compassionate appointment. Before the Tribunal, the petitioners made a request to grant time to file reply statement. The Tribunal negatived the said request. Thereafter, the Tribunal passed an order, directing the petitioners to decide the application for compassionate appointment based on the Old Scheme and pass appropriate orders, within a period of three months. The said order is under challenge in this writ petition.

4. The order passed by the Tribunal indicates that the first respondent challenged the order dated 21 November 2015 negating his request for compassionate appointment. The Tribunal, without quashing the said order directed the petitioners to consider the case afresh under the then existing Scheme. The Tribunal also negatived the request made by the petitioners to file reply statement.

5. In a matter of this nature, when the order is challenged before the Tribunal, the petitioners should be given opportunity to file reply statement. There is no question of directing the petitioners to consider the matter afresh under the then existing Scheme, without quashing the impugned order, dated 21 November 2015. We are therefore of the view that the impugned order is unsustainable.

6. In the result, the order dated 11 April 2016 is set aside. The Original Application in O.A.No.310/00080/2016 is restored to file. The Tribunal is directed to give reasonable opportunity to the petitioners to file reply statement and thereafter, decide the issue on merits and as per law, as expeditiously as possible and in any case, within a period of three months from the date of receipt of a copy of this order.

7. The Writ petition is allowed as indicated above. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

svki  
To

Sub Assistant Registrar

The Registrar,  
Central Administrative Tribunal,  
Madras Bench, Chennai - 600 104.

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.18532  
+1cc to Mr.R.Malaichamy, Advocate, S.R.No.19106

W.P.No.5126 of 2017

PA (CO)  
CA (12/04/2017)