

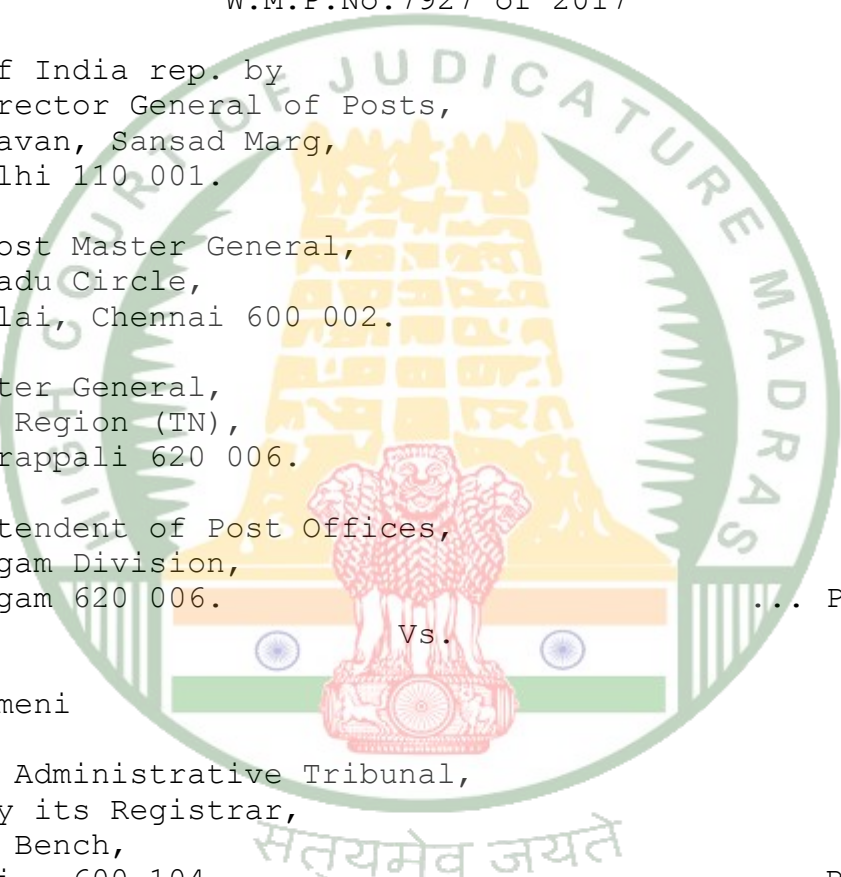
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2017

CORAM

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

W.P.No.7271 of 2017 and
W.M.P.No.7927 of 2017

- 
1. Union of India rep. by
The Director General of Posts,
Dak Bhavan, Sansad Marg,
New Delhi 110 001.
 2. Chief Post Master General,
Tamilnadu Circle,
Annasalai, Chennai 600 002.
 3. Postmaster General,
Central Region (TN),
Tiruchirappali 620 006.
 4. Superintendent of Post Offices,
Srirangam Division,
Srirangam 620 006. Petitioners
- Vs.
1. A.Thirumeni
 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, calling for the records of 2nd Respondent and quash the order dated 22.04.2016 in OA.No.310/01415/2015, as the same is unsustainable.

For Petitioners: Mr.V.P.Sengottuvel
Senior Central Govt.Standing Counsel

For Respondents: Mr.R.Malaichamy
for R1
R2 - Tribunal

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order, dated 22 April, 2016 in OA.No.310/01415/2015, allowing the Original Application filed by the first respondent, without quashing the orders impugned in the said original application.

2. Heard the learned Senior Central Government Standing Counsel for the petitioners and the learned counsel for the first respondent.

3. The first respondent filed original application before the Tribunal, challenging the orders dated 4 February, 2013 and 7 October, 2014, rejecting his request for compassionate appointment. The Tribunal, without giving sufficient time to the petitioners to file reply statement allowed the original application and a direction was issued to consider the matter, within a period of three months as per the Old scheme. Feeling aggrieved, the petitioners have come up with this writ petition.

4. The order passed by the Tribunal indicates that the petitioners were not given reasonable time to file reply statement. The Tribunal directed the petitioners to consider the matter afresh, without even quashing the orders impugned in the Original Application. There is no question of directing the petitioners to consider the matter afresh, unless, the impugned orders are set aside in the manner known to law.

5. The Tribunal in its eagerness to do justice to the first respondent herein, has done injustice to the petitioners by not granting them reasonable time to file reply statement. In any case, the Tribunal was not correct in directing the petitioners to consider the matter afresh under the old Scheme, without quashing the orders impugned in the original application. We are therefore of the view that the issue requires fresh consideration by the Tribunal.

6. In the result, the order dated 22 April, 2016 is set aside. The Original Application in O.A.No.310/01415/2015 is restored to file.

7. The Tribunal is requested to give four weeks' time to the petitioners to file reply statement and thereafter, decide the issue on merits and as per law. Such exercise shall be completed preferably within a period of four months from the date of receipt of a copy of this order.

8. The writ petition is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

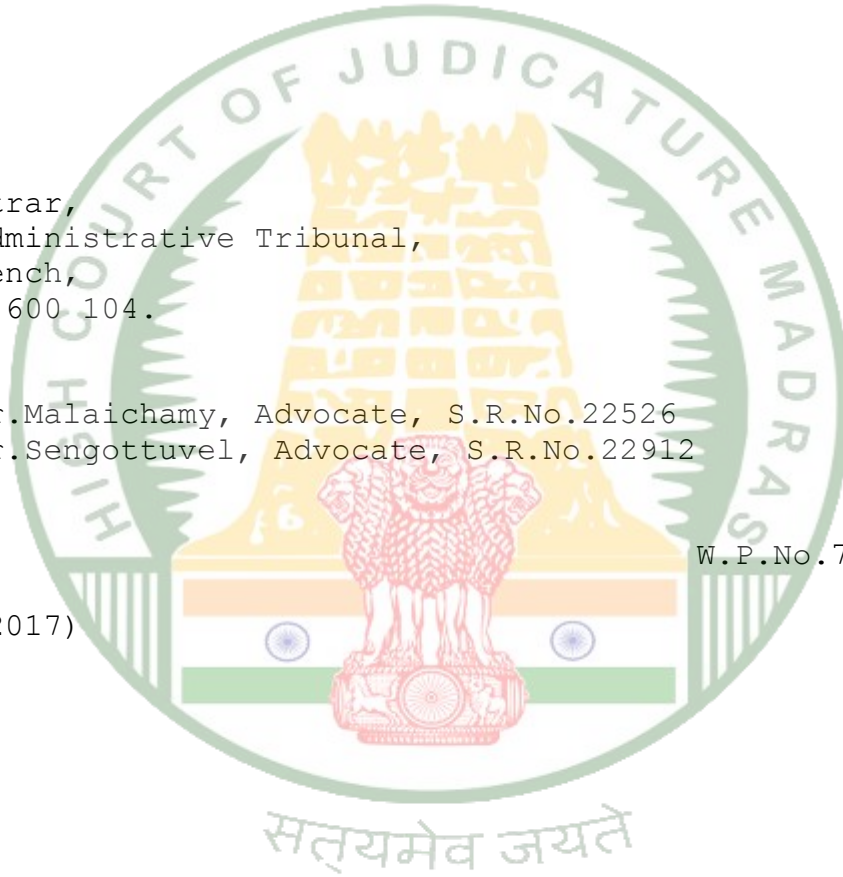
The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.

+1cc to Mr.Malaichamy, Advocate, S.R.No.22526

+1cc to Mr.Sengottuvel, Advocate, S.R.No.22912

W.P.No.7271 of 2017

NR (CO)
RS (08/05/2017)



WEB COPY