

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2017

CORAM:

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

W.P. No. 5332 of 2017
and WMP No.5674 of 2017

1.Union of India rep.by
The Chief Postmaster General
Tamil Nadu Circle
Chennai 600 002.

2.The Senior Superintendent of Post Offices
Chennai City Central Division
T.Nagar, Chennai 00 017.

...Petitioners

Vs

1.D.Rajapandian

2.Central Administrative Tribunal
Rep. by its Registrar
Madras Bench
Chennai 600 104.

....Respondents

Writ Petition filed under Art.226 of the Constitution of India
praying for a Writ of Certiorari calling for the records of 2nd
respondent and quash the order dated 11.04.2016 in
O.A.No.657/2016.

For Petitioners : Mr.V.P.Sengottuvel

For Respondents : Mr.P.Rajendran, for R1

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order dated 11 April 2016 in O.A.No.657/2016, whereby and whereunder, the Madras Bench of Central Administrative Tribunal directed the petitioners to consider the candidature of the first respondent for compassionate appointment by placing it before the Circle Relaxation Committee and communicate the result within a period of three months.

2. The learned counsel for the petitioners contended that without giving reasonable opportunity to file counter affidavit, the Tribunal passed the impugned order. According to the learned counsel, the Tribunal has not quashed the order impugned in the Original Application and as such, the order under challenge is liable to be quashed.

3. We have also heard the learned counsel for the first respondent.

4. The first respondent challenged the order dated 01 September 2015 before the Tribunal in O.A.No.657 of 2016. The Tribunal was expected to consider the legality and correctness of the said order before directing the Department to consider the matter afresh. In the subject case, the Tribunal, without quashing the impugned order dated 01 September 2015, directed the petitioners to consider the case of the first respondent for compassionate appointment. Such a course is not permissible in view of the jurisdiction exercised by the Tribunal. The Tribunal ought to have given reasonable opportunity to the petitioners to file reply statement. The Tribunal was also expected to decide as to whether the petitioners were correct in rejecting the request made by the first respondent for compassionate appointment. Since such a course was not adopted by the Tribunal, we are inclined to set aside the order.

5. In the result, the order dated 11 April 2016 is set aside. The application in O.A.No.657 of 2016 is restored to file. The petitioners are given four weeks time to file reply statement. The Central Administrative Tribunal is requested to dispose of the Original Application as expeditiously as possible and in any case, within a period of ten weeks from the date of receipt of a copy of this order.

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

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gms

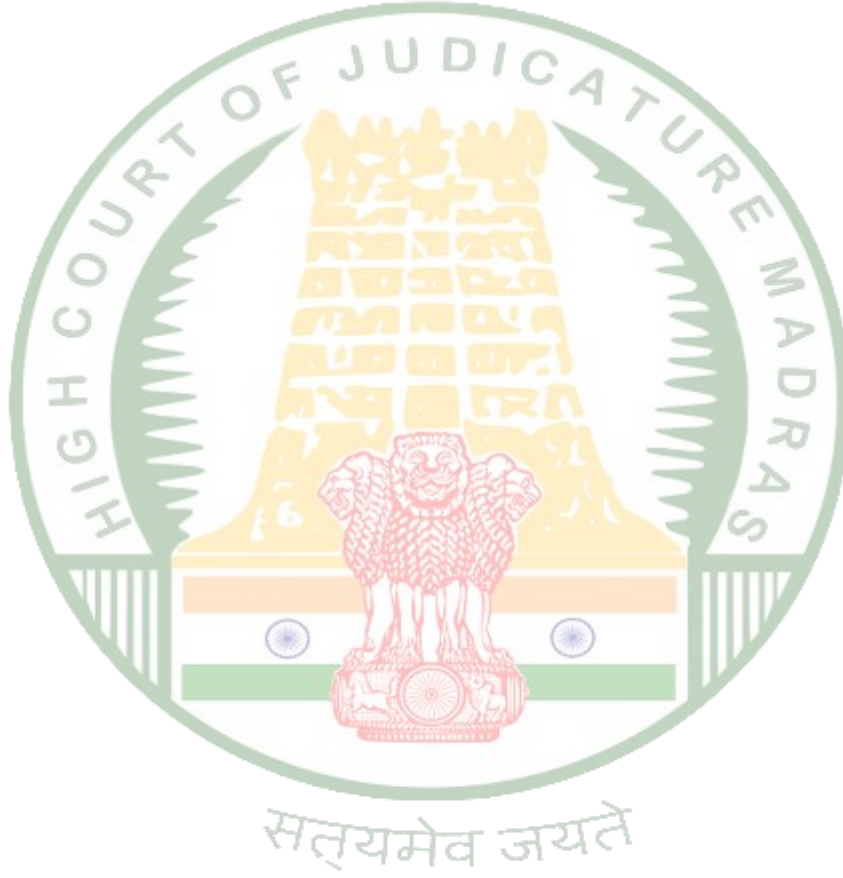
To

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

+1cc to M/s.V.P.Sengottuvel, Advocate in Sr.No.38264

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NR(12/06/2017)



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