

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

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

W.P.No.4329 of 2017 and  
WMP No.4519 of 2017

- 1.Union of India, rep. by  
The Chief Post Master General  
Tamil Nadu Circle,  
Chenna - 600 002.
- 2.The Superintendent of Post Offices,  
Pollachi Division,  
Pollachi - 642 001. .... Petitioners

Vs.

- 1.M.Murugavel
- 2.Central Administrative Tribunal,  
Represented 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 the 2nd respondent and quash the order dated 13.04.2016 in O.A.No.674 of 2016.

For Petitioners : Mr.V.P.Sengottuvel  
For Respondents : Mr.P.Rajendran for R1  
R2 - Tribunal

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order dated 13 April 2016 in the original application in O.A.No.674 of 2016, directing the petitioners to consider the case of the first respondent for compassionate appointment under the then existing scheme. The petitioners are primarily aggrieved on account of the failure to give them opportunity to file reply before passing an order on merits.

2. Heard the learned counsel for the petitioners and the learned counsel for the first respondent.

3. The first respondent filed original application in O.A.No.674 of 2016 before the Central Administrative Tribunal, challenging the order dated 4 September 2015 rejecting his application for compassionate appointment.

4.The Central Administrative Tribunal without even issuing notice allowed the original application and directed the petitioners herein to re-consider the candidature of the first respondent as per the then existing scheme.

5.There is nothing mentioned in the order as to whether the earlier order rejecting the request made by the first respondent for compassionate appointment was set aside. There is no question of issuing a direction to consider the matter afresh unless the earlier order rejecting the request for compassionate appointment is quashed. The Tribunal in its anxiety to do justice to the first respondent actually contributed for the delay in the subject matter. In any case, there is nothing on record to indicate that the petitioners were given opportunity to submit their case before passing order to consider the matter afresh. We are therefore of the view that the issue requires fresh consideration.

6. The order passed by the Tribunal dated 13 April 2016 is set aside. The original application in O.A.No.674 of 2016 is remitted to the Central Administrative Tribunal for fresh consideration. The Tribunal is directed to give reasonable opportunity to the petitioners to file reply and thereafter, decide the issue on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

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

-s/d-  
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

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

W.P.No.4329 of 2017

PVS (CO)  
sp/28/3



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