

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2017

CORAM:

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

W.P. No. 7362 of 2017
and
W.M.P. No. 8024 of 2017

1. Union of India, rep.by
The Director (Staff)
Ministry of Communication and IT,
Department of Posts, DAK Bhawan,
Parliament Street,
New Delhi- 110 001.
- 2 The Chief Post Master General
Tamil Nadu Circle, Anna Salai,
Chennai - 600 002.
- 3 The Post Master General
Tamil Nadu Circle,
Chennai - 600 002.
- 4 The Senior Superintendent of
Post Offices,
Chennai City South Division
Chennai - 600 017.
- 5 Postmaster
Kodambakkam,
Chennai - 600 024. ...Petitioners

Vs.

- 1 E. Karthikeyan
- 2 Central Administrative Tribunal
Rep.by its Registrar
Madras Bench, Chennai- 600 104.

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari to call for the records of 2nd respondent and quash the order dated 25.04.2016 in O.A. No. 310/01031/2014 as the same is unsustainable.

For Petitioners: Mr. V.P.Sengottuvel
For R1 : Mr. R. Malaichamy
R2 : Tribunal

O R D E R

K.K.SASIDHARAN, J.

The first respondent challenged the order passed by the second petitioner rejecting his application for compassionate appointment, before the Madras Bench of Central Administrative Tribunal in O.A. No. 310/01031/2014. The Tribunal without even giving time to the petitioners to file a reply affidavit and without quashing the order impugned, directed the competent authority to consider the matter afresh. Feeling aggrieved, the petitioners are before this Court.

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

3. The first respondent challenged the Memo dated 23.05.2014 before the Central Administrative Tribunal and made a request to direct the petitioners herein to appoint him on compassionate grounds. The Tribunal without considering the merits of the order impugned in the Original Application, straight away directed the petitioners to consider the case of the first respondent in accordance with the then existing scheme.

4. There is no question of directing the petitioners to consider the matter afresh without quashing the earlier order rejecting the request for compassionate appointment. The Tribunal ought to have considered the merits of the matter before directing the petitioners to consider the matter once again under the earlier scheme. Since no such consideration was made, we are constrained to allow the writ petition by setting aside the order impugned in this writ petition.

5. In the result, order dated 25 April 2014 of the Tribunal is set aside. The Original Application in O.A. No. 310/01031/2014 is restored to file.

6. The petitioners have already filed reply statement. The Tribunal is requested to consider and dispose of the Original Application on merits and as per law, as expeditiously as possible, and in any case, within a period of two 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 IV)

//True Copy//

Sub Assistant Registrar

ak/kj

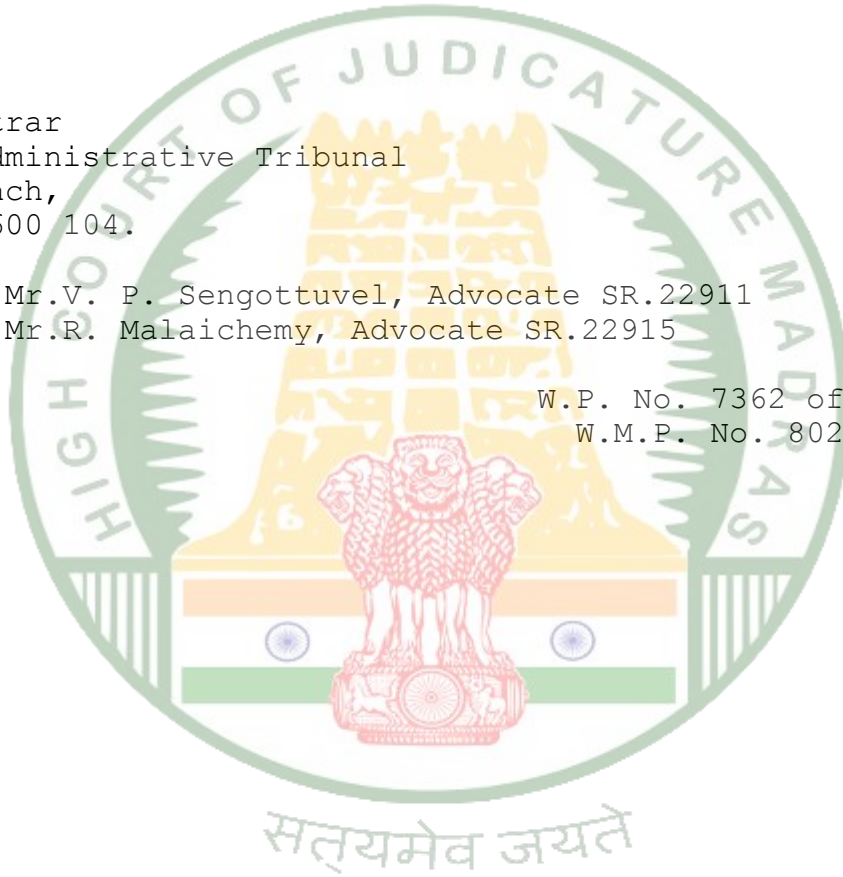
To
The Registrar
Central Administrative Tribunal
Madras Bench,
Chennai- 600 104.

+ 1 cc to Mr.V. P. Sengottuvel, Advocate SR.22911

+ 1 cc to Mr.R. Malaichemy, Advocate SR.22915

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