

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2017

CORAM:

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN  
and  
THE HON'BLE MR. JUSTICE M.V. MURALIDARAN

W.P. No.6598 of 2017  
and W.M.P.No.7078 of 2017

1. Union of India rep. by  
The Director (Staff)  
Ministry of Communications 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. Senior Superintendent,  
RMS "MA" Division,  
Madurai-625 001.
  4. Head Record Officer,  
RMS "MA" Division,  
Madurai-625 001.
- ...Petitioners

Vs.

1. K.Pandiselvam,  
S/o (Late) A.Karuppiah,  
No.17A, Sivan Street II,  
Sellur, Madurai-625 002
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, writ of Certiorari calling for the

records of 2<sup>nd</sup> Respondent and quash the Order dated 27.04.2016 in O.A.No.310/00819/2015.

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

O R D E R

K.K. SASIDHARAN, J.

This writ petition is directed against the order dated 27 April 2016 in O.A.No.819 of 2015 allowing the original application filed by the first respondent without quashing the order impugned in the said original application.

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.819 of 2015 before the Madras Bench of Central Administrative Tribunal, to quash the order dated 28 August 2014 on the file of the Chief Post Master General, Anna Salai, rejecting his claim for compassionate appointment.

4. The Central Administrative Tribunal, without even giving an opportunity to the petitioners to file reply statement, allowed the original application by following the judgment of the Supreme Court. While allowing the original application, the Tribunal failed to quash the order impugned in the original application and directed the petitioners to consider the matter afresh on the basis of the then existing Regulations. Feeling aggrieved, the petitioners have come up with this writ petition.

5. The order passed by the Central Administrative Tribunal does not contain any material suggesting that merits of the matter has been considered before directing the petitioners to consider the matter afresh. In fact, the order impugned in the original application remained as it is. There is no question of considering the case of the first respondent once again, unless and until the order impugned in the original application is quashed. We are, therefore, of the view that the Tribunal was not correct in directing the petitioners to consider the matter afresh.

6. In the result, the order dated 27 April 2016 is set aside. The original application in O.A.No.819 of 2015 is restored to file. The petitioners are directed to file their reply statement within a period of three weeks. The Tribunal is directed to take up the original application and dispose of the

same 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.

This writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-  
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

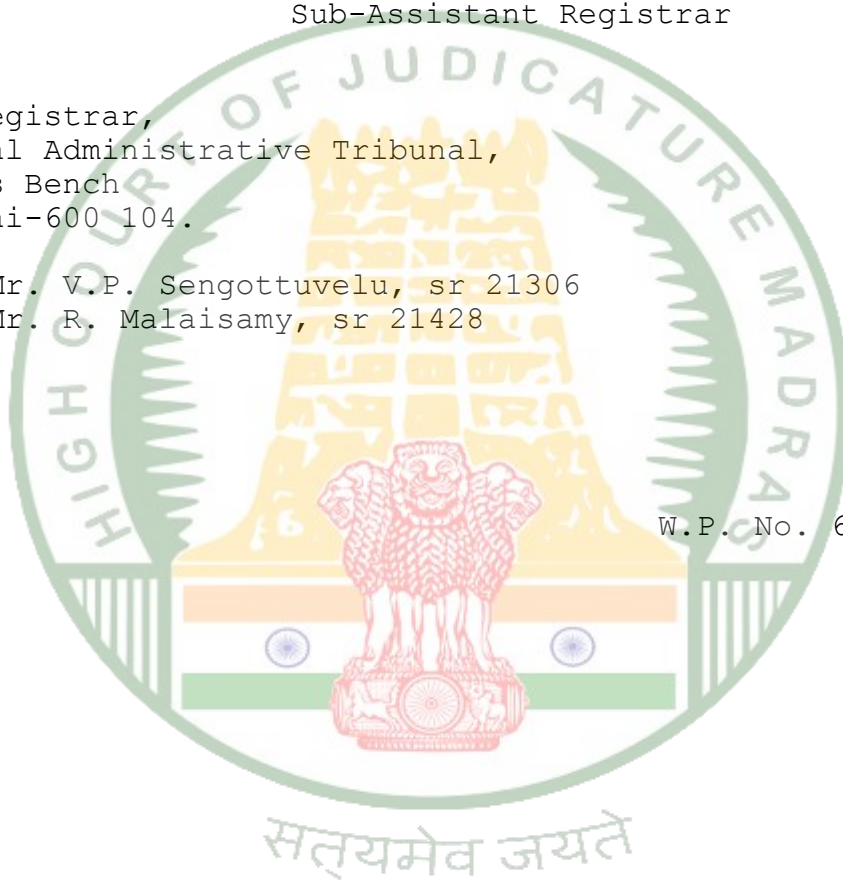
1. The Registrar,  
Central Administrative Tribunal,  
Madras Bench  
Chennai-600 104.

+1 CC to Mr. V.P. Sengottuvelu, sr 21306

+1 CC to Mr. R. Malaisamy, sr 21428

W.P. No. 6598 of 2017

VGI (CO)  
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