

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.5633 of 2017 and
WMP No.6018 of 2017

1.Union of India, Rep. by the
Chief Post Master General
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.

2.The Senior Superintendent of Post Offices,
Thanjavur Division,
Thanjavur - 613 001.

.... Petitioners

Vs.

1.N.G.Saravanan
2.The 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 the second respondent and quash the order
dated 19.04.2016 in O.A.No.310/01530/2015 as the same is
unsustainable.

For Petitioners : Mr.V.P.Sengottuvel
SCGSC

For Respondents : Mr.R.Malaichamy for R1

O R D E R

K.K.SASIDHARAN, J.

The Madras Bench of the Central Administrative Tribunal,
without quashing the order impugned in the original application
issued a direction to the petitioners to consider the case of
the first respondent in accordance with the then existing Scheme
for compassionate appointment within a period of three months.

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

3. The first respondent submitted application for compassionate appointment. The name of the first respondent was considered by the competent authority and it was rejected by proceedings dated 28 June 2012. The said order was challenged before the Tribunal. The Tribunal, without considering the legality and correctness of the order passed by the second petitioner allowed the Original Application and directed the petitioners to consider the case afresh.

4. Since the rejection order was under challenge, the Tribunal was expected to consider the merits of the subject matter before issuing a direction to consider the matter afresh. Since the impugned order remained as it is, there is no question of considering the case of the first respondent afresh. We are therefore of the view that the impugned order is liable to be set aside.

5. In the result, the order dated 19 April, 2016 is set aside. The application in O.A.No.310/01530/2015 is restored to file.

6. The Tribunal is requested to grant four weeks' time to the petitioners to file reply and thereafter decide the matter on merits as per law. We further request the Tribunal to dispose of the matter as expeditiously as possible and in any case, within a period of three 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/-
Asst.Registrar (CS II)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

To

The Registrar,
The Central Administrative Tribunal
City Civil Court Building
High Court Campus, Chennai.

+1cc M/s.R.Malaichamy, Advocate in sr.no.41693

W.P.No.5633 of 2017

NR (CO)
NR 30/06/2017