

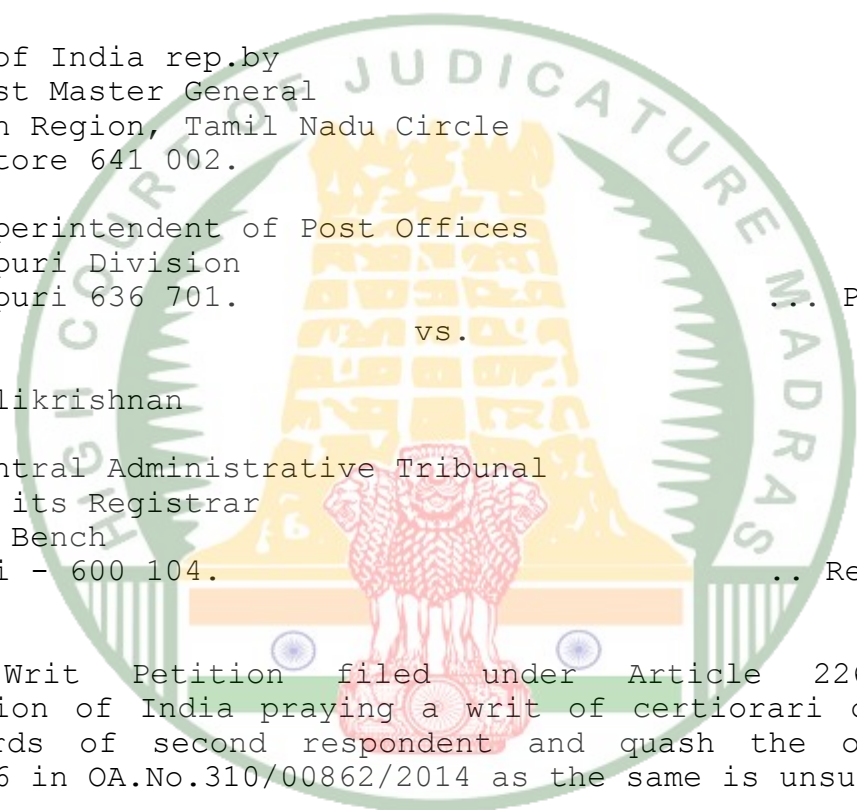
IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.06.2017

CORAM:

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

W.P.No.9794 of 2017 and
WMP No.10780 of 2017

- 
1. Union of India rep.by
The Post Master General
Western Region, Tamil Nadu Circle
Coimbatore 641 002.
2. The Superintendent of Post Offices
Dharmapuri Division
Dharmapuri 636 701. Petitioners
- vs.
1. P.Muralikrishnan
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 a writ of certiorari calling for the records of second respondent and quash the order dated 12.04.2016 in OA.No.310/00862/2014 as the same is unsustainable.

For Petitioner : Mr.V.P.Sengottuvel (SCGSC)

For Respondent : Mr.R.Malaichamy for R1
R2 - Tribunal

O R D E R

K.K. SASIDHARAN, J.

The Central Administrative Tribunal without quashing the order impugned in O.A.No.310 of 2014, allowed the original petition and directed the petitioners to consider the case of the first respondent under the then existing Scheme. The order is under challenge at the instance of the Postal Department.

2. We have heard the learned counsel for the petitioners. We have also heard the learned counsel for the first respondent.

3. The application submitted by the first respondent for compassionate appointment was rejected by the Superintendent of Post Offices, Dharmapuri. The said order was challenged before the Central Administrative Tribunal. The Tribunal, without addressing the issues raised by the second respondent and the petitioners herein, and without quashing the order, issued a positive direction to consider the matter afresh.

4. There is no question of considering the case of the first respondent once again without setting aside the order rejecting the request for compassionate appointment. We are therefore, of the view that the matter requires fresh consideration by the Central Administrative Tribunal.

5. The order dated 12 April 2016 is set aside. The Original Application in O.A.No.310 of 2014 is restored to file. The Central Administrative Tribunal is requested to dispose of the matter on merits and as per law. Such exercise shall preferably be completed within a period of three months 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.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dna/gms

To

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

+1cc to Mr.R.Malaichamy, Advocate, S.R.No.41946

W.P.No.9794 of 2017

SVI(CO)
CS/05/07/17