

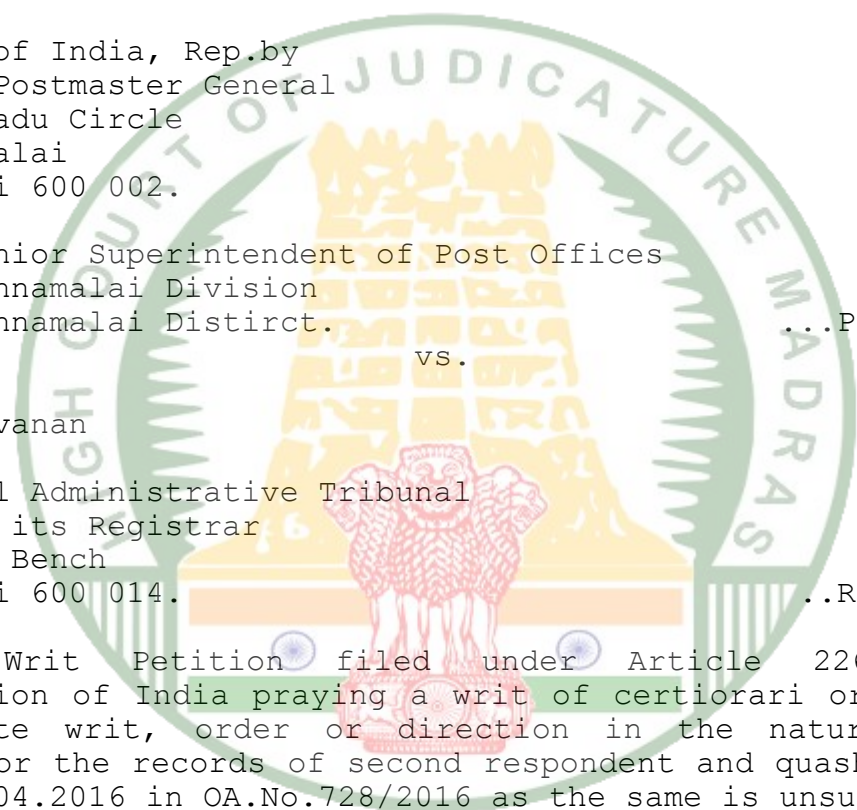
IN THE HIGH COURT OF JUDICATURE AT MADRAS

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.9819 of 2017and
WMP.No.10813 of 2017

- 
1. Union of India, Rep.by
Chief Postmaster General
Tamilnadu Circle
Anna Salai
Chennai 600 002.
2. The Senior Superintendent of Post Offices
Tiruvannamalai Division
Tiruvannamalai Distirct.Petitioners
- vs.
1. M.Saravanan
2. Central Administrative Tribunal
Rep.by its Registrar
Madras Bench
Chennai 600 014.Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying a writ of certiorari or any other appropriate writ, order or direction in the nature of writ calling for the records of second respondent and quash the order dated 22.04.2016 in OA.No.728/2016 as the same is unsustainable.

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

For Respondent : Mr.P.Rajendran for R1
R2 - Tribunal

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O R D E R
K.K. SASIDHARAN, J.

The first respondent filed Original Application in O.A.No.728 of 2016 before the Central Administrative Tribunal challenging the order dated 04 September 2015 rejecting his request for compassionate appointment. The Tribunal, during the admission stage itself, allowed the application. The Tribunal, without quashing the impugned order, directed consideration of

the case of the petitioner afresh. The order is under challenge in this writ petition.

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

3. The first respondent challenged the order dated 04 September 2015 before the Tribunal. The Tribunal was expected to consider the legality and correctness of the order challenged in the Original Application. The Tribunal in its anxiety to dispose of the matter, allowed the Original Application during the time of admission, but without quashing the impugned order. Since merits of the matter have not been considered by the Tribunal, we are inclined to quash the impugned order dated 04 September 2015 in O.A.No.728 of 2016.

4. In the result, the order dated 04 September 2015 is set aside. The application in O.A.No.728 of 2016 is restored to file.

5. The Tribunal is requested to give reasonable opportunity to the petitioners to file reply statement. There shall be a further request to the Tribunal to dispose of the Original Application 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.

The writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

The Registrar
Central Administrative Tribunal
Madras Bench
Chennai 600 014.

+1 CC to Mr.V.P. Sengottuvel, Advocate sr 41929

W.P.No.9819 of 2017

sp/ (04/07/2017)