

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2017

CORAM

THE HON'BLE MR. JUSTICE K.K. SASIDHARAN
and

THE HON'BLE MR. JUSTICE M.V. MURALIDARAN

W.P. No.6919 of 2017
and W.M.P.No.7509 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. Sub Record Officer,
RMS "MA" Division,
Madurai-629 002.
- ...Petitioners

Vs.

1. R.Anand
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 2nd Respondent and quash the order dated 12.04.2016 in O.A.No.310/00083/2016 as the same is unsustainable.

For Petitioners : Mr. V.P.Sengottuvel, SCGSC
For R1 : Mr. R.Malaichamy
R 2 : Tribunal

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

This writ petition is directed against the order dated 12 April 2016 in O.A.No.83 of 2016 allowing the Original Application filed by the first respondent and directing the petitioners to consider the matter afresh without even quashing the order impugned before the Tribunal.

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

3. The first respondent filed Original Application challenging the order dated 09 September 2015 on the file of the Senior Superintendent, RMS 'MA' Division, Madurai, rejecting the request made by him for compassionate appointment. The Tribunal, even without giving reasonable time to the petitioner to file reply statement, allowed the Original Application and a direction was given to consider the case of the first respondent on the basis of the then Regulations. The said order is impugned in this writ petition.

4. The order passed by the Tribunal does not contain any indication that the matter was taken up on merits. The Tribunal without even quashing the impugned order dated 09 September 2015, directed the petitioners to consider the matter fresh under the then existing Scheme. We do not appreciate the manner in which the Original Application was disposed by the Tribunal without even giving reasonable opportunity to the petitioners to file reply statement or quashing the order impugned in the Original Application. We are, therefore, of the view that the impugned order is liable to be set aside.

5. In the result, the order dated 12 April 2016 is set aside. The Original Application in O.A.No.83 of 2016 is restored to file. The petitioners are given three weeks time from today to file reply statement before the Tribunal. The Tribunal is requested to dispose of the Original Application as expeditiously as possible and preferably within a period of three months from the date of receipt of a copy of this order.

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

s/d-
Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

TO

1. The Director (Staff)
Ministry of Communications and IT,
Union of India
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. Sub Record Officer,
RMS "MA" Division,
Madurai-629 002.
5. The Registrar
Central Administrative Tribunal
Madras Bench
Chennai 104

+1 CC to Mr. V.P.Sengottuvel, Advocate sr 23655
+1 CC to Mr. R.Malaichamy, Advocate sr 23757

WEB COPY

W.P. No. 6919 of 2017

GMI (CO)
sp/2/5