

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
and
THE HONOURABLE MR.JUSTICE RMT. TEEKAA RAMAN

W.P.Nos.15508 and 16009 of 2015
and
MP.Nos.1 and 2 of 2015

- 1.Union of India rep. by
the Director General (Posts)
Dak Bhawan, Sansad Marg,
New Delhi - 110 001.
- 2.The Chief Postmaster General,
Tamil Nadu Circle,
Chennai - 600 002.
- 3.The Postmaster General,
Southern Region (TN),
Madurai - 625 001.
- 4.The Superintendent of Post Offices,
Dindigul Division, Dindigul - 624 001. ... Petitioners in
WP.No.15508/2015

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- 2.The Chief Postmaster General,
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- 3.The Director of Postal Services,
Chennai City Region,
Chennai - 600 002.
- 4.The Postmaster General,
Southern Region (TN),
Madurai - 625 001.

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5.The Superintendent of Post Offices,
Dindigul Division, Dindigul - 624 001. ... Petitioners in
WP.No.16009/2015

vs.

1.The Registrar
Central Administrative Tribunal,
Chennai.

2.R.Chandraprakash ... Respondents
in both the WPs

Prayer:

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records on the file of the first respondent relating to the impugned orders dated 12.09.2012 and 10.10.2012 (Corrigendum) in O.A.No.1076/2010; and the order dated 12.09.2012 in O.A.No.1141 of 2010 respectively passed by the first respondent and quash the same.

For Petitioners : Mr.V.Venkatesan, SCGSC
For R2 : Mr.R.Malaichamy

COMMON ORDER

(Common Order of the Court was made by
HULUVADI G. RAMESH,J.)

Challenging the correctness of the orders passed by the first respondent viz., Central Administrative Tribunal, Madras Bench, the present writ petitions have been filed by the petitioners / postal department.

2.It appears from the records that the second respondent was appointed as Postal Assistant in Dindigul Division on 28.09.1972. By order dated 27.10.2005, he was given notional promotion to the cadre of Lower Selection Grade (LSG) with effect from 29.01.2004. Thereafter, he was promoted to Higher Selection Grade -II (HSG-II) cadre on regular basis with effect from 18.08.2008. Subsequently, he was posted in HSG-I cadre on adhoc basis with effect from 08.08.2009. While so, after issuance of show cause notice dated 25.06.2010, by order dated 16.08.2010, the Superintendent of Post Offices, Dindigul Division, informed that the second respondent was not eligible for notional promotion to LSG cadre for the vacancies occurred during the period from 07.02.2002 till 17.05.2006 and accordingly, the date of notional promotion to LSG has been revised and corrected as 28.10.2005, as per the instructions

issued by postal Directorate, New Delhi dated 21.11.2008. Feeling aggrieved over the show cause notice dated 25.06.2010 and the consequential order of revision dated 16.08.2010, the second respondent preferred O.A.No.1076 of 2010 before the first respondent, which allowed the said Original Application. In the mean while, the Director of Postal Services, Chennai City Region, Chennai-2 issued a memo dated 17/20-09-2010, whereby, the second respondent was called upon to submit his representation, as to why his promotion to HSG II cadre on regular basis and adhoc promotion to HSG I cadre should not be cancelled, however, without effecting recovery of pay benefits. Challenging the same, the second respondent preferred O.A.No.1141 of 2010, which was allowed by the first respondent. Hence, the present writ petitions.

3. When the writ petitions were taken up for consideration, learned Standing Counsel for the petitioners as well as the learned counsel for the second respondent submitted that there is no recovery on account of reversion of the second respondent to lower rank. Further, the second respondent has neither challenged the subsequent order of reversion, nor filed any contempt petition before the first respondent and he has not received any promotion, financial gain or any other benefits, by virtue of the order passed by the first respondent in O.A.No.1076 of 2010, which is impugned in WP.No.15508 of 2015. Apart from that, the second respondent retired from service on attaining the age of superannuation during 2013. As such, the relief sought for in WP.No.15508 of 2015 has become infructuous. In view of the same, WP.No.16009 of 2015 may be closed.

4. In the light of the above submission, we are of the opinion that nothing survives for adjudication in WP.No.15508 of 2015. Accordingly, the said writ petition is dismissed. Consequently, WP.No.16009 of 2015 is closed. No costs. The connected Miscellaneous Petitions are also closed.

Sd/-

Assistant Registrar(CS IV)

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Sub Assistant Registrar

rk

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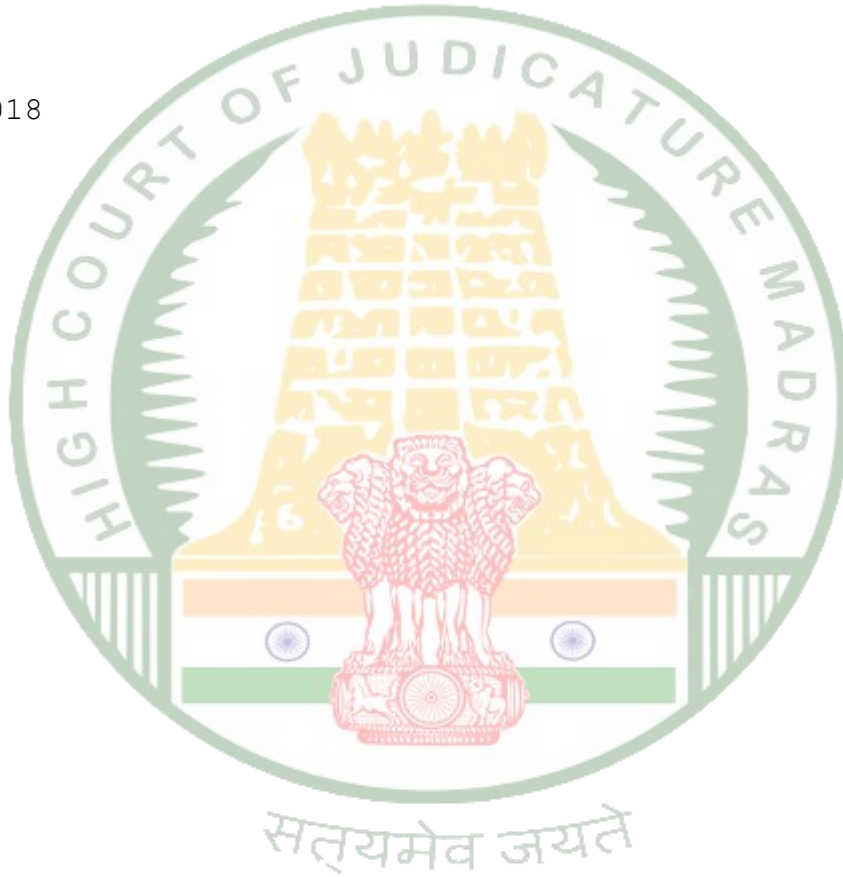
The Registrar, Central Administrative Tribunal,
Madras Bench, Chennai - 600 104.

+1 cc to M/s.V.Venkatesan Advocate sr 80001

+1 cc to M/s.R.Malaichamy Advocate sr 79791

W.P.Nos.15508 and 16009 of 2015

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