

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2017

CORAM

THE HONOURABLE Mr. JUSTICE K.K.SASIDHARAN
AND

THE HONOURABLE Mr. JUSTICE M.V.MURALIDARAN

W.P.No.1362 of 2017 and
W.M.P.No.1288 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.The Post Master General,
Tamil Nadu Circle,
Chennai - 600 002.
- 4.The Senior Superintendent of Post Offices,
Tambaram Division,
Tambaram Head Post Office,
Chennai - 600 045.
- 5.The Assistant Superintendent of Post Offices,
Tiruvottiyur Sub-Division,
Chennai - 600 019.

... Petitioners

सत्यमेव जयते
Vs.

- 1.C.Chandrakala
- 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, praying for a Writ of Certiorari, calling for the records of 2nd respondent and set aside the order dated 04.04.2016 in OA No.1779 of 2014 as the same is unsustainable.

For Petitioners: Mr.V.P.Sengottuvel
SCGSC

For R1 : No appearance

O R D E R

K.K.SASIDHARAN, J.

This writ petition is directed against the order dated 4 April, 2016 in O.A.No.1779 of 2014, whereby and where under, a direction was issued to the petitioners to consider the case of the first respondent on the basis of the then existing Scheme for compassionate appointment.

2. Heard the learned Senior Central Government Standing Counsel appearing for the petitioners. None appeared on behalf of the first respondent.

3. The first respondent challenged the Scheme framed by the Director, Ministry of Communications, dated 20 January, 2010 for compassionate appointment. Before the Tribunal, the petitioners filed a reply statement indicating that the issue regarding compassionate appointment has to be taken up in the light of the Scheme framed by the Government and published on 20 January, 2010.

4. The Tribunal was of the view that the case of the first respondent should be considered under the then existing Scheme and as such, there was no need to quash the Scheme dated 20 January, 2010. The Tribunal, therefore, issued a direction to the petitioners to consider the case of the first respondent notwithstanding the Scheme notified on 20 January, 2010.

5. It was the case of the first respondent before the Tribunal that the Scheme notified on 20 January, 2010 should be quashed and she should be given appointment considering her educational qualification. It was not the case of the first respondent that the said Scheme was not applicable to her. The Tribunal instead of adjudicating the merits of the matter adopted a short cut method by directing the petitioners to consider the case of the first respondent notwithstanding the Scheme notified on 20 January, 2010. We are not in a position to agree with the views expressed by the Tribunal. The Tribunal ought to have considered the merits of the matter before issuing a direction to the petitioners to consider the case of the first respondent notwithstanding the Scheme notified on 20 January, 2010. We are therefore of the view that the issue requires fresh

consideration by the Tribunal.

6. In the result, the order dated 4 April, 2016 is set aside. The Original Application in O.A.No.1779 of 2014 is restored to file. The Central Administrative Tribunal is directed to consider the matter afresh on merits and as per law. Such exercise shall be completed 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/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

svki

To

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

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.39847

SCD(CO)
RS(21/06/2017)

W.P.No.1362 of 2017

सत्यमेव जयते

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