

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.06.2017

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN  
AND  
THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.13780 of 2017 and  
WMP.No.14966 of 2017

Union of India rep.by  
Senior Superintendent of Post Offices  
Chennai City North Division  
Chennai 600 008.

...Petitioner

vs.

1.M.Rahelamma

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 for a writ of certiorari to calling for the records of second respondent and quash the order dated 11.04.2016 in OA.No.310/00652/2014 as the same is unsustainable.

For Petitioner : Mr.V.P.Sengottuvel

For Respondents : Mr.R.Malaichamy for R1

सत्यमेव जयते

O R D E R

K.K. SASIDHARAN, J.

The first respondent submitted application for compassionate appointment. The petitioner appointed her as a Group 'D' employee, which was not against the post reserved for compassionate appointment. The claim made by the first respondent for compassionate appointment was rejected by order dated 21 August 2012. The said order was challenged before the Madras Bench of the Central Administrative Tribunal.

2. The petitioner has filed the reply statement. The Tribunal disposed of the Original Application with a direction to consider the case of the first respondent afresh within a period of three months as per the then existing Scheme. The order is under challenge at the instance of the Postal Department.

3. We have heard the learned counsel for the petitioner. We have also heard the learned counsel for the first respondent.

4. The first respondent challenged the order dated 21 August 2012 before the Central Administrative Tribunal. The Tribunal was expected to consider the merits of the matter and pass orders in accordance with law. The Tribunal in its anxiety to do justice, directed the petitioner to consider the matter afresh, without even quashing the impugned order. We are therefore, of the view that the impugned order is liable to be set aside.

5. In the result, the order dated 11 April 2016 is set aside. The matter is remanded to the Tribunal for fresh consideration.

6. The Tribunal is requested to dispose of the Original Application as expeditiously as possible and in any case, within a period of two 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.

Sd/-  
Asst.Registrar (CS III )

/true copy/

Sub Asst. Registrar

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

+1cc to M/s.V.P.Sengottave, Advocate in sr.no.45080  
+1cc to M/s.R.Malaichamy, Advocate in sr.no.45276

W.P.No.13780 of 2017

SS (CO)  
NR 20/07/2017