

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.13860 of 2017 and
WMP No.15045 of 2017

1. Union of India rep.by
Director (Staff)
Ministry of Communication and IT
Department of Posts
Dak Bhavan, Parliament Street,
New Delhi - 110 001.
2. The Chief Post Master General
Anna Salai
Chennai - 600 002.
3. Superintendent of Post Offices
Tirunelveli Division
Tirunelveli 627 002.
4. The Post Master
Palayamkottai Head Post Office
Palayamkottai.Petitioners

1. A.Mathan Raj
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 calling for the records of second respondent and quash the order dated 01.04.2016 in O.A.No.194/2016 as the same is unsustainable.

For Petitioners : Mr.V.P.Sengottuvel (SCGSC)
For Respondents : Mr.C.Premkumar
for Mr.R.Malaichamy for R1
R2 - Tribunal

O R D E R

K.K. SASIDHARAN, J.

The claim made by the first respondent for compassionate appointment was rejected by the third petitioner by order dated 16/21 September 2015. The said order was put in issue before the Madras Bench of Central Administrative Tribunal.

2. The Tribunal, even without giving an opportunity to the petitioners to file reply statement, disposed of the Original Application with a direction to consider the case of the first respondent afresh within a period of four 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 petitioners. We have also heard the learned counsel for the first respondent.

4. The first respondent challenged the order dated 16/21 September 2015 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 petitioners to consider the matter afresh, without even quashing the impugned order. In fact, the petitioners made a request to grant time to file reply statement. The Tribunal without giving sufficient opportunity to the petitioners to file reply statement, disposed of the Original Application without considering the legality and correctness of 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 01 April 2016 is set aside. The matter is remanded to the Tribunal for fresh consideration.

6. The petitioners are given three weeks time to file reply statement. The Tribunal is requested 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 as indicated above. No costs.
Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

dna/gms

To

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

2.The Section Officer, E.R.Section,
High Court, Madras.

+1cc to Mr.R.Malaichamy, Advocate Sr. 45287

+1cc to Mr.V.P.Sengottuvel, Advocate Sr. 45076

W.P.No.13860 of 2017

KK(CO)
VR(07/08/2017)

सत्यमेव जयते

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