

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.13988 of 2017 and
WMP No.15201 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
Western Region, TN
Coimbatore 641 002.

4.The Superintendent
RMS 'CB' Division
Coimbatore 641 001.

5.The Sub Record Officer
RMS 'CB' Division
Salem 636 005.

सत्यमेव जयते

...Petitioners

vs.

1.M.Nagaraj

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 a writ of certiorari calling for the records of second respondent and quash the order dated 29.04.2016 in OA.No.808/2016 as the same is unsustainable.

For Petitioners : Mr.V.P.Sengottuvel (SCGSC)
For Respondents : No appearance for R1
R2 - Tribunal

O R D E R

K.K. SASIDHARAN, J.

The petitioner made application for compassionate appointment before the third respondent. Since the application was not considered, the petitioner filed Original Application 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 as per the then existing Scheme. The order is under challenge at the instance of the Postal Department.

3. Heard the learned counsel for the petitioners. None appeared on behalf of the first respondent in spite of printing his name after service privately.

4. 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 claim made by the first respondent without giving sufficient opportunity to them to file reply statement. We are therefore, of the view that the impugned order is liable to be set aside.

5. In the result, the order dated 29 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 V)

/true copy/

Sub Asst. Registrar

dna/gms

To

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

+lcc to Mr.V.P.Sengottuvel, Advocate Sr. 45074

W.P.No.13988 of 2017

AR(V)
VR(19/07/2017)



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