

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.14245 of 2017 and
WMP.No.15447 of 2017

Union of India rep.by its

1.The Chief Post Master General
Tamil Nadu Circle
Anna Salai
Chennai 600 002.

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

...Petitioners

vs.

1. M.Senthilkumar

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 19.09.2016 in OA.No.323/2015 as unsustainable.

For Petitioner : Mr.V.P.Sengottuvel, SCGSC
For Respondents : Mr.P.Rajendran, for R1

ORDER
K.K. SASIDHARAN, J.

This writ petition is directed against the order dated 19 September 2016 in OA.No.323/2015, whereby and whereunder, the Madras Bench of Central Administrative Tribunal directed the petitioners to consider the candidature of the first respondent for compassionate appointment by placing it before the Circle Relaxation Committee and communicate the same to the first respondent.

2. The petitioners have filed the reply statement. According to the learned counsel, the Tribunal has not quashed the order impugned in the Original Application and as such, the order under challenge is liable to be quashed.

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

4. The first respondent challenged the order dated 29 January 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. We are therefore, of the view that the impugned order is liable to be set aside.

5. In the result, the order dated 19 September 2016 is set aside. The application in OA.No.323/2015 is restored to file.

6. The Central Administrative 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 to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar (CS-VIII)

True Copy

Sub-Assistant Registrar

gms
To

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

+1 CC to Mr.V.P. Sengottuvel, Advocate sr 45072

W.P.No.14245 of 2017

SVI (CO)
sp(20/07/2017)