

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.14812 of 2017 and
WMP No.16054 of 2017

1.Union of India rep.by
The Secretary
Ministry of Communication and IT
Department of Posts
Dak Bhavan
Sansad Marg
New Delhi 110 001.

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

3.Assistant Chief Accounts Officer (Admin)
O/o The General Manager
Postal Accounts & Finance
Tamil Nadu Circle
Chennai 600 008.

4.Senior Accounts Officer (Admin)
O/o The General Manager
Postal Accounts & Finance
Tamil Nadu Circle
Chennai 600 008.

...Petitioners

vs.

1. D.S.Dinesh Kumar

2. The Central Administrative Tribunal
Rep.by its Registrar
Madras Bench
Chennai - 600 104.

..Respondents

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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 12.04.2016 in O.A.No.310/01060/2014 as the same is unsustainable.

For Petitioners : Mr.V.P.Sengottuvel (SCGSC)

For Respondents : Mr.C.Premkumar
for Mr.R.Malaichamy (for R1)

O R D E R

K.K. SASIDHARAN,J.

This writ petition is directed against the order dated 12 April 2016 in O.A.No.310/01060/2014, 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 result by a speaking order.

2. The learned counsel for the petitioners contended that without giving reasonable opportunity to file reply statement, the Tribunal passed the impugned order. 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 22 May 2014 before the Tribunal in O.A.No.310/01060/2014. The Tribunal was expected to consider the legality and correctness of the said order before directing the Department to consider the matter afresh. In the subject case, the Tribunal, without quashing the impugned order dated 22 May 2014, directed the petitioners to consider the case of the first respondent for compassionate appointment. Such a course is not permissible in view of the jurisdiction exercised by the Tribunal. The Tribunal ought to have given reasonable opportunity to the petitioners to file reply statement. The Tribunal was also expected to decide as to whether the petitioners were correct in rejecting the request made by the first respondent for compassionate appointment. Since such a course was not adopted by the Tribunal, we are inclined to set aside the order.

5. In the result, the order dated 12 April 2016 is set aside. The application in O.A.No.310/01060/2014 is restored to file. The petitioners are given three weeks time to file reply statement. The Central Administrative 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 to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

dna/gms

To

- 1.The Registrar
Central Administrative Tribunal
Madras Bench
Chennai - 600 104.
- 2.The Secretary
Ministry of Communication and IT
Department of Posts
Dak Bhavan
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5.Senior Accounts Officer (Admin)
O/o The General Manager
Postal Accounts & Finance
Tamil Nadu Circle
Chennai 600 008.

+1cc to M/s.V.P.Sengottuvel, Advocate, S.R.No.45077

+1cc to M/s.R.Malaichamy,
Advocate for 1st respondent, S.R.No.45285

W.P.No.14812 of 2017

KJ(CO)
CU(26/07/2017)



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