

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2017

CORAM

THE HONOURABLE Mr.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE Mr.JUSTICE M.V.MURALIDARAN

W.P.No.15671 of 2017
and
W.M.P.No.16962 of 2017

1. Union of India
rep. by the Chief Post Master General
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.
2. The Senior Superintendent of Post Offices,
Tambaram Division,
Tambaram - 600 045. Petitioners

Vs.

1. R.Zaheer Khan
2. 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 2nd Respondent and quash the order dated 04.04.2016 in O.A No.310/00559/2016.

For Petitioner : Mr.V.P.Sengottuvel
Senior Central Government
Standing Counsel

For Respondents : Mr.P.Rajendiran for R1

O R D E R

K.K.SASIDHARAN, J.

Thiru.Rajendiran, learned counsel takes notice on behalf of the first respondent. By consent, the writ petition is taken up for final disposal.

2. The first respondent filed Original Application before the Madras Bench of the Central Administrative Tribunal,

challenging the order dated 8 October 2015, rejecting his request for compassionate appointment. The Tribunal, without quashing the impugned order or considering the merits of the said order directed the petitioners to consider the case of the first respondent for compassionate appointment afresh. The order is under challenge in this writ petition.

3. The claim made by the first respondent for compassionate appointment was rejected by the second respondent by order dated 4 April, 2016. The Tribunal was expected to consider the legality and correctness of the said order before directing the petitioners to consider the matter afresh. The Tribunal in its anxiety to do justice to the parties failed to consider the merits of the matter. We are therefore of the view that the matter requires fresh consideration.

4. The order dated 4 April, 2016 is set aside. The Original Application in OA No.310/00559/2016 is restored to file.

5. The petitioners are given four weeks' time from today to file reply statement before the Tribunal. The Tribunal is requested to dispose of the matter 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.

6. The writ petition is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

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To

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

+1cc to Mr.V.P.Sengottuvel, Advocate, S.R.No.43843

W.P.No.15671 of 2017

CP(CO)
CA(13/07/2017)