

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16391 of 2017
and WMP No.17715 of 2017

- 1.Union of India
Rep. by the Chief Post Master General
Tamil Nadu Circle
Chennai 600 002.
- 2.The Senior Superintendent of Post Services
Railway Mail Service
'T' Division
Tiruchirappalli 620 001.
... Petitioners

Vs

- 1.S.Venkatesh
- 2.Central Administrative Tribunal
Rep. by its Registrar
Madras Bench
Chennai 600 104.
... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a writ of certiorari calling for the records of the 2nd respondent and quash the order dated 08.04.2016 in O.A.No.310/00255/2015.

For Petitioners :
Mr.V.P.Sengottuvel

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O R D E R

K.K.SASIDHARAN, J.

The application submitted by the first respondent for compassionate appointment was rejected by the second petitioner by way of a non speaking order. The said order was challenged by the first respondent before the Madras Bench of Central Administrative Tribunal in O.A.No.310/00255/2015. The Tribunal, having found that the order does not contain any reason much less justifiable reason, directed the petitioners to consider the matter afresh. The said order is under

challenge at the instance of the Postal Department after a period of one year and two months.

2. We have heard the learned counsel appearing on behalf of the petitioners.

3. The first respondent submitted application for compassionate appointment to consider his case under the then existing Scheme. The second petitioner, who is the competent authority, was expected to consider the merits of the matter and pass a speaking order. The order passed by the second petitioner proceeds as if the first respondent is less indigent as per relative merit points. The order does not contain any indication as to how the second petitioner arrived at a decision that the first respondent is less indigent. The concerned authority must indicate sufficient reasons while rejecting the application for compassionate appointment.

4. The order in question was passed by the Central Administrative Tribunal way back on 08 April 2016. The petitioners have kept the matter pending for the last one year and two months. There is nothing on record to show that the petitioners have filed application before the Central Administrative Tribunal for extension of time to consider the application pursuant to the direction in the order dated 08 April 2016. In any case, we are of the view that no interference is warranted in the order under challenge, as it was a simple direction to the petitioners to consider the matter afresh and pass a speaking order. We therefore, do not find any merit in the contentions taken by the petitioners.

5. The petitioners are directed to comply with the order passed by the Tribunal within a period of four months from the date of receipt of a copy of this order.

The writ petition is dismissed with the above observation. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

gms

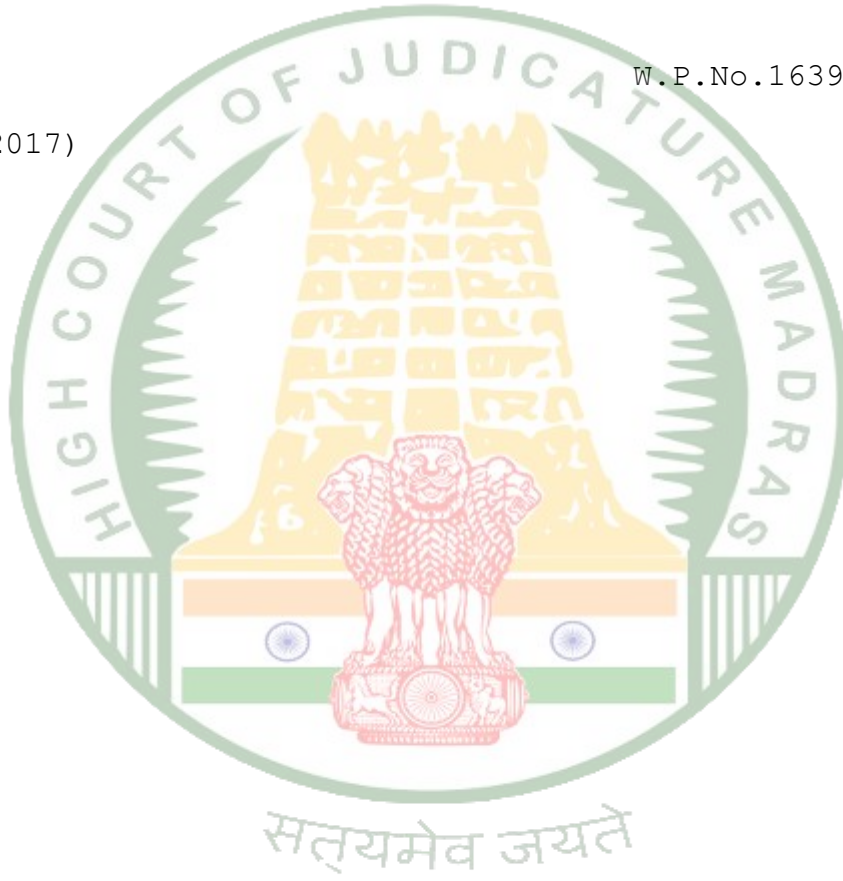
To

The Registrar
Central Administrative Tribunal
Madras Bench
Chennai 600 104.

+1 CC to Mr.V.P. Sengottuvel, Advocate sr 45464

W.P.No.16391 of 2017

SP(24/07/2017)



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