

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 13.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P. No.1800 of 2017

- 1 The Chief Post Master General
Tamil Nadu Circle Anna Salai
Chennai-600 002.
 - 2 The Post Master General
Tamil Nadu Circle Chennai-600002.
 - 3 The Senior Superintendent
of Post Offices Arakkonam Division
Arakkonam - 631 001 Petitioner
- versus
- 1 P.Dillibabu
 - 2 Central Administrative
Tribunal Rep by Registrar Madras Bench
Chennai-600104. Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Certiorari calling for the records of the 2nd Respondent dated 21.6.2016 made in OA No.310/0/1004/ of 2016 and quash the same.

For petitioner : Mr.V.P.Sengottuvel, SCGSC
For Respondents : Mr.D.Raghupathi, for R-1
R2-Tribunal

O R D E R

(made by K.K.SASIDHARAN, J.)

The Tribunal, notwithstanding the request made by the learned counsel for the petitioners herein, who were arrayed as respondents in OA No.310/01004 of 2016 to give reasonable time

for filing reply statement, proceeded to hear the original application itself during the time of admission and passed order directing the authorities to reconsider the application of the first respondent for compassionate appointment as per the then existing scheme. Feeling aggrieved, the petitioners are before this Court.

2. Heard the learned counsel for the petitioners and the learned counsel appearing on behalf of the first respondent.

3. The first respondent filed the original application before the Tribunal challenging the order dated 27 May 2015 rejecting his request for compassionate appointment and to consider him for appointment under the then existing regulations. The Tribunal, without giving reasonable opportunity to the petitioners herein to file reply statement, disposed of the matter at the admission stage, by directing the authorities to consider the matter afresh under the then existing regulations. The order passed by the Tribunal shows that the earlier order declining compassionate appointment has not been quashed at all. We are not in a position to understand the urgency expressed by the Tribunal to decide the original application during the time of admission without giving reasonable time to the petitioners to file response. This is more so on account of the fact that the issue before the Tribunal was in relation to an order passed by the Chief Postmaster General, Tamil Nadu Circle, dated 27 May 2015, rejecting the application for compassionate appointment. Under such circumstances, the Tribunal ought to have given reasonable opportunity to the opposite party to file reply statement.

4. There is no question of entertaining the Writ Petition and deciding the original application by this court considering the merits of the matter. We are therefore of the view that the issue requires fresh consideration by the Tribunal.

5. The order dated 21 June 2016 is set aside. The original application in O.A.No.310/01004/2016 is restored. The Madras Bench of the Central Administrative Tribunal is directed to give two weeks time to the petitioners to file reply statement in O.A.No.310/01004/2016 and thereafter decide the original application on merits and as per law, as expeditiously as possible, and in any case, within a period of three months.

6. The Writ Petition is allowed to the extent indicated above. No costs. Consequently, W.M.P.No.1789 of 2017 is closed.

Sd/-
Assistant Registrar

//True Copy//

To Sub Assistant Registrar

1 The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai-600104.

+1cc to Mr.D. Raghupathi, Advocate, S.R.No.15555
+1cc to Mr.V.P. Sengottuvel, Advocate, S.R.No.15545

vgi (CO)
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