

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE M.V. MURALIDARAN

W.P. No. 30507 of 2004
and
W.M.P. No. 36969 of 2004

1. Union of India
rep.by its Secretary,
Director General of Posts,
Department of Posts,
Dak Bhavan,
New Delhi.
2. The Chief Post Master General,
Tamilnadu Circle,
Chennai.

...Petitioners

Vs

1. The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.
- 2 A.Kothandan
- 3 P.S.Seelan
- 4 G.Narayanasamy
- 5 A.D.Kamalanathan
- 6 S.M.Md. Hayath
- 7 T.S.Venkataraman
- 8 K.Ramamoorthy
- 9 P.Balarajeswaran
- 10 A.Samuel
- 11 R.K.Rajavelu
- 12 T.Venkatasubbiah
- 13 D.Jacob Jesupatham
- 14 M.Ethirajan
- 15 W.N.Venkatarao
- 16 S.Xavier
- 17 T.C.Narayanasamy
- 18 D.Antony Cruz
- 19 K.Varadhan
- 20 T.R.Thirunavukkarasu
- 21 A.T.Subramanian
- 22 C.Saranganathan
- 23 T.P.Kannan
- 24 A.L.Kumarasamy

25 E.Kothandaraman
26 C.Thirugnanam
27 Naimur Rahuman
28. H.S. Raghunathaprasad
29. K. Narayanasamy
30. G.V. Sugavanam
31. K.R. Muthukumarasamy
32. K.M. Ponnusamy
33. D. Karunanithi
34. K. Pachaiyappan
35. V. Ramakrishnan
36. D. Sambandam
37. M. Kuppusamy
38. M.K. Purushothaman
39. K.N. Saravanan
40. K. Muthu
41. A.K. Sarangapani. ...Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records pertaining to O.A. No. 835/2003 on the file of the Hon'ble Central Administrative Tribunal, Madras Bench, the 1st respondent herein, and to quash the order dated 07.04.2004 passed by the 1st respondent Tribunal in O.A. No. 835/2003.

For Petitioners: Mr. T.L. Thirumalaisamy, CGC
For Respondents: Mr. S. Ramaswamy Rajarajan
For RR 2,13,15,17,20,22,24,25,
29,32,34,36,37 & 39.

O R D E R

K.K.SASIDHARAN, J.

This Writ Petition is directed against the order dated 07 April 2004 in O.A. No. 835 of 2003, whereby and where under the Central Administrative Tribunal was pleased to grant the relief taking into account the decision rendered by the Full Bench of Mumbai Bench of the Tribunal dated 21 September 2001 in O.A. Nos. 542, 942 and 943 of 1997.

2. When the writ petition was taken up for hearing, the learned counsel for the petitioners by producing the copy of the judgment rendered by the Hon'ble Supreme Court in State of Punjab and others Vs. Amar Nath Goyal and Others (2005) 6 SCC 754 contended that in view of the said Judgment, setting aside the order dated 21 September 2001, the issue is no longer res-integra.

3. We have also heard the learned counsel for the respondents 2,13,15,17,20,22,24,25,29,32,34,36,37 & 39.

4. The issue raised by the respondents 2 to 41 was decided by the Madras Bench of Central Administrative Tribunal on the basis of the order passed by the Mumbai Bench of the Tribunal dated 21 September 2001. The said order has already been set aside by the Hon'ble Supreme Court along with the similar orders in Amar Nath Goyal case cited supra.

5. In view of the judgment of the Hon'ble Supreme Court in the State of Punjab and others Vs. Amar Nath Goyal and others (2005) 6 SCC 754, the writ petition deserves to be allowed.

6. We, therefore, following the judgment in State of Punjab and others Vs. Amar Nath Goyal and Others (2005) 6 SCC 754, set aside the order passed by the Tribunal, dated 07 April 2004 in O.A. No. 835 of 2003.

7. The Writ Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ak/kj

To

The Registrar,
Central Administrative Tribunal,
Madras Bench, Chennai.

+ 1 cc to Mr.T.L. Thirumalaisamy, Advocate Sr.22927
+ 1 cc to Mrs. Ramaswamy Rajarajan, Advocate Sr.23226

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KS(CO)
EU 4.5.17