IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.03.2017

CORAM

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

W.P.No.32459 of 2016 and
WMP No.28156 of 2016

1. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Tamilnadu Circle,
Chennai - 600 002.

2. The Assistant General Manager,
Establishment,
O/o. Deputy General Manager(Administration),
Bharat Sanchar Nigam Limited,
Tamilnadu Circle 89, Millers Road,
Chennai - 600 010. ... Petitioners

Vs.

1. S. Parimalam

2. The Union of India,
The Government of India represented by
The Secretary to Government,
Department of Telecommunication,
New Delhi.

3. Central Administrative Tribunal,
Madras Bench,
Represented by its Registrar,
Chennai. ... Respondents

WEB COPY

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records of the 3rd respondent in O.A.No.1086 of 2016 dated 05.07.2016, quash the same.

For Petitioners : Mr.S.Gopinathan
For Respondents : Mr.G.Bala & Daisy for R1
R3 - Tribunal
R2 Not Ready

https://hcservices.ecourts.gov.in/hcservices/

O R D E R

K.K.SASIDHARAN,J.

This writ petition is directed against the order dated 5 July 2016 in the original application in O.A.No.1086 of 2016, allowing the original application without even giving time to the petitioners to file reply statement.

2. Heard the learned counsel for the petitioners and the learned counsel for the first respondent.

3. The first respondent filed original application with a prayer to issue a direction to the petitioners herein to consider her representation for compassionate appointment. Before the Tribunal, the learned counsel for the petitioners herein made a request to grant time to file reply.

4. The Tribunal without adhering to the request made by the petitioners, straightaway took up the application on merits and directed them to consider the issue within a period of eight weeks. It is the said order which is impugned in this writ petition.

5. There is no dispute that the Tribunal allowed the original application during the time of admission and that too rejecting the request made by the petitioners to file reply. The Tribunal ought to have given reasonable opportunity to the petitioners to file response and submit their views before passing an order one way or the other. The Tribunal in its eagerness to render justice contributed for the delay in considering the matter by the petitioners. In any case, there is nothing on record to indicate that the petitioners were given opportunity to file their response. The impugned order is therefore liable to be set aside.

6. The order passed by the Tribunal dated 5 July 2016 is set aside. The original application in O.A.No.1086 of 2016 is remitted to the Central Administrative Tribunal for fresh consideration. The Tribunal is directed to give reasonable opportunity to the petitioners to file reply and thereafter decide the issue on merits and as per law. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

7. The writ petition is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government,
   The Union of India,
   The Government of India
   Department of Telecommunication,
   New Delhi.

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

+1 CC to Mr.G.Bala & Daisy, Advocate sr 16428
+1 CC to Mr. S. Gopinathan, Advocate sr 16436

W.P.No.32459 of 2016

SR(CO)
sp/3/4

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/