

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2017

CORAM:

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

W.P. No. 40045 of 2016
and
WMP No.34094 of 2016

1.Union of India
rep by the Chief General Manager
Bharat Sanchar Nigam Ltd.
78 Purasawalkam High Road,
Chennai 600 010.

2.The General Manager
Bharat Sanchar Nigam Ltd.
89 Millers Road, Chennai 600 010.

...Petitioners

Vs

1.J.P.Jayashree

2.The Central Administrative Tribunal-Madras Bench
High Court Building
Chennai 600 104.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari to call for the records in O.A.No.1003 of 2016 and M.A.361 of 2015 on the file of the second respondent and quash the order dated 30.06.2016 in O.A.No.1003 of 2016 and order dated 15.06.2016 in MA.361 of 2015 passed by the second respondent.

[Prayer amended as per order of this Court dated 24.04.2017]

For Petitioners : Mr.K.Parameshwari
For Respondents : Mr.L.Chandrakumar [for R1]
R-2 : Tribunal

O R D E R

K.K.SASIDHARAN, J.

The Central Administrative Tribunal, without quashing the order passed by the second respondent, directed the Bharat Sanchar Nigam Limited [hereinafter referred to as "the BSNL"] to consider the case of the petitioner afresh within a period of

three months. The order is under challenge in this writ petition.

2. We have heard the learned Standing Counsel for the petitioners. We have also heard the learned counsel for the first respondent.

3. The claim made by the first respondent for compassionate appointment was rejected by the second petitioner by order dated 27 November 2010. The first respondent received the said order on 16 August 2014. Since the claim was negated by the BSNL, the order was challenged before the Tribunal in O.A.No.1003 of 2016. The Tribunal without considering the legality of the said order, issued a positive direction to the petitioners to consider the case of the first respondent afresh on merits.

4. Since the second petitioner has already rejected the claim made by the petitioner, by order dated 27 November 2010, the Tribunal ought to have considered the merits of the said order. Since, no such consideration was made by the Central Administrative Tribunal, the direction to consider the matter afresh is not legally sustainable. We are therefore, of the view that the matter requires fresh consideration.

5. In the result, the order dated 30 June 2016 is set aside. The application in O.A.No.1003 of 2016 is restored to file. The Tribunal is requested to give three weeks time to the petitioners to file reply statement. Thereafter, every effort shall be taken by the Tribunal to dispose of the matter within a period of two months, on merits and as per law.

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

Sd/-

Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

gms

To

The Central Administrative Tribunal-Madras Bench
High Court Building
Chennai 600 104.

+1cc to Mr.L.Chandra Kumar, Advocate SR.No.43037

W.P. No. 40045 of 2016

GN(04/07/2017)