

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.01.2017

CORAM

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR. JUSTICE V. PARTHIBAN

Writ Petition Nos.43818 to 43823 of 2016
and
W.M.P.Nos.37636 to 37646 of 2016

W.P.No.43818 of 2016

1. Union of India
represented by the Assistant Director General (DE)
Department of Posts, Dak Bhavan
New Delhi - 110 001.
2. Chief Postmaster General
Tamil Nadu Circle,
Anna Salai,
Chennai - 600 002.
3. Senior Superintendent of Post Offices
Ramanathapuram Division
Ramanathapuram - 623 501.
4. The Postmaster
Ramanathapuram HPO, 623 501.

...Petitioners in WP 43818/2016
WP 43820/2016

1. Union of India
represented by the Assistant Director General (DE)
Department of Posts, Dak Bhavan
New Delhi - 110 001.
2. Chief Postmaster General
Tamil Nadu Circle, Anna Salai,
Chennai - 600 002.
3. Post Master General,
Southern Region (TN), MADurai-625 002.

4. Senior Superintendent of Post Offices
Ramanathapuram Division
Ramanathapuram - 623 501.
5. The Postmaster,
Madurai HO, MADurai-625 001. ...Petitioners in WP 43819/2016

1. Union of India
represented by the Assistant Director General (DE)
Department of Posts, Dak Bhavan
New Delhi - 110 001.
2. Chief Postmaster General
Tamil Nadu Circle, Anna Salai,
Chennai - 600 002.
3. Senior Superintendent of Post Offices
Ramanathapuram Division
Ramanathapuram - 623 501.
4. The Postmaster
Ramanathapuram HPO, 623 501. ...PETitioners in WP 43822/2016

1. Union of India
represented by the Assistant Director General (DE)
Department of Posts, Dak Bhavan
New Delhi - 110 001.
2. Chief Postmaster General
Tamil Nadu Circle, Anna Salai,
Chennai - 600 002.
3. Post Master General,
Southern Region (TN), MADurai-625 002.
4. Senior Superintendent of Post Offices
Ramanathapuram Division
Ramanathapuram - 623 501.

...Vs...

1. The Registrar
Central Administrative Tribunal
Chennai.

...1st Respondents in
all the WP's

2. M.Kumar

...2nd Respondents in
WP 43818/2016

3. K. Ganesan

S/o. Kauppiah
No. 113/F-9, Sonai Nagar,
Thirumanagalam,
Madurai District 625 706.
(postman, Madurai HO)

...2nd Respondent in
WP 43819/2016

4. K.Paramanandam

S/o. N. Karhikaisamy
Seyyamangalam Village & BO
Abiramam Via Kamudhi Taluk 623 601
Ramanathapuram Division
(Postman, Kamuthi SO)

...2nd Respondent in
WP 43820/2016

5. M. Kumar

S/o. U. Malairaj
No.8/1349-3, Thuthivalasai
Uchipuli (PO)
Ramanathapuram Distict 623 534.
(Postman, Ramanathapuram HO)

...2nd Respondent in
WP 43821/2016

6. M. Paramananthaguru,

S/o. Mahali,
No.46, North Street, S.Ramachandrapuram,
Sundarapandiyam-626 126.

...2nd Respondent in
WP 43822/2016

7. R.Palanivel

S/o. s.Ramu
No. 1/51/4, KKSSN Nagar
Virudhunagar-626 001
Virudhunagar District

...2nd Respondent in
WP 43823/2016

Writ petition No.43818 of 2016 has been filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records from the file of the first respondent made in O.A.No.792 of 2012 dated 03.06.2014 and quash the same.(WP 43818/2016)

This Writ Petition has been filed under Article 226 of the Constitution of India for issuance WRIT OF CERTIORARI or Writ calling for the records from the file of 1st respondent made in O.A.No.791 of 2012 dated 03.06.2014 and quash the same/WP.43820/2016.

This Writ Petition has been filed under Article 226 of the Constitution of India for issuance WRIT OF CERTIORARI or Writ calling for the records from the file of 1st respondent made in O.A.No.791 of 2012 dated 03.06.2014 and quash the same/WP.43821/2016.

This Writ Petition has been filed under Article 226 of the Constitution of India for issuance WRIT OF CERTIORARI or Writ calling for the records from the file of 1st respondent made in O.A.No.791 of 2012 dated 03.06.2014 and quash the same/WP.43819/2016.

For Petitioners : M/s.Su.Srinivasan, ASGI
(in all Writ Petitions)
For Respondent-2 : Mr.R.Malaichamy
(in all Writ Petitions)
For Respondent-1 : Tribunal (in all Writ Petitions)

COMMON ORDER

(Order of the Court was delivered by V.PARTHIBAN,J.)

These Writ Petitions arise from the common order passed by the Central Administrative Tribunal, Madras Bench, in O.A.Nos.743 of 2012, 767 of 2012, 789 of 2012, 790 of 2012, 791 of 2012 and 792 of 2012 dated 03.06.2014.

2. The issue before the learned Tribunal was whether the surplus eligible candidates for appointment to the post of Postal Assistant ought to be exhausted before conduct of Limited Departmental Competitive (LDC) Examination for subsequent years as claimed by the applicants therein. The official respondents, who are the petitioners herein, submitted before the learned Tribunal that if the list of surplus qualified candidates for the year was to be carried forward to the next year to fill the departmental quota vacancies, the aspirants for Limited Departmental Competitive (LDC) Examination of the subsequent year would be deprived of a chance. Taking note of the submissions of both parties, the learned Tribunal concluded that there was merit in both the points of view and disposed of the Original Applications as found in paragraph-16 of the impugned judgment:-

"16. It must be observed at the same time that the grievance of the applicants that those who pass the LDCE in a year are considered only for the vacancies of that year and if they are not absorbed/appointed in that year, they have

to appear in the same examination for the subsequent year(s) and take a chance along with the new eligible aspirants, notwithstanding the fact that they might have been declared as surplus qualified candidates, has some substance. Their plea is that the list of surplus candidates ought to be exhausted before conduct of examinations for subsequent years. Per contra, the respondents would submit that if the list of surplus qualified candidates for a year was to be carried forward to next year to fill the departmental quota vacancies, the aspirants for the (Limited Departmental) Examination of the subsequent year would be deprived of a chance. There is merit in both the points of view and some candidates / prospective candidates would suffer, whatever be the policy / scheme followed. It would be appropriate that the scheme is revisited without further delay by the Directorate by constituting a High Level Group to examine the issue and decide on the scheme / policy to be followed taking note also of the submissions of the Applicants in the OA and consulting other stakeholders and to take further action in the case accordingly."

3. When the matter was taken up for hearing, the learned Assistant Solicitor General of India submitted that the subject scheme has already been examined and re-examined at the appropriate level and therefore, no purpose would be served if they were directed to re-examine the same once again. However, it should be taken note of that the learned Tribunal in order to protect the interest of both the employees and the Government has only given a direction to revisit the scheme after taking into confidence of all the stakeholders in the matter. We do not see anything wrong with the said direction passed by the learned Tribunal as it did not lay down any particular action to be taken by the Government on the issue, it merely directed the appropriate authority to re-examine the issue by taking note of the submissions made in the Original Applications. In such view of the matter, We do not propose to interfere with the order passed by the learned Tribunal except to clarify that it is always open to the appropriate authority to re-examine the issue in terms of their own policy and other relevant regulations.

4. With this clarification, these Writ Petitions are disposed of as no further orders are necessary. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mra

To

THE REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI.

Writ Petition No.43818 to 43823 of 2016
and
W.M.P.Nos.37636 to 37646 of 2016

+6cc to Mr.Malaichamy, Advocate, S.R.No.2822
+1cc to Mr.Srinivasan, Advocate, S.R.No.2757

SR(CO)
RS(13/02/2017)

सत्यमेव जयते

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