

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.No.943 of 2018

1. Union of India
rep. by the Chief Postmaster General
Tamil Nadu Circle
Chennai - 600 002.
2. The Postmaster General (Additional Charge)
Southern Region (Tamil Nadu)
Madurai - 625 002.
3. The Senior Superintendent of Post Offices
Dindigul Division
Dindigul - 624 001. ... Petitioners

Vs.

1. R.Selvaraj
2. The Registrar
Central Administrative Tribunal
Madras Bench, High Court Campus
Chennai - 600 104. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to quash the order dated 28.9.2016 of the second respondent passed in O.A.No.1742 of 2013.

For Petitioners

: Mr.C.V.Ramachandramurthy
Senior Panel Counsel

For Respondents

: Mr.K.M.Ramesh
for 1st respondent

ORDER

(Made by Mrs.V.K.Tahilramani, Chief Justice)

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

2. This writ petition is directed against the order dated 28.9.2016 passed in OA/310/01742/2013 by the Central Administrative Tribunal, Madras Bench. In the Original Application, the first respondent had prayed for regularization of his services from the date of his initial engagement, that is from 24.5.1982, instead of regularization granted from 9.1.1984, and to grant all consequential benefits. By the said order dated 28.9.2016, the Original Application preferred by the first respondent came to be allowed.

3. It would be necessary to state that the first respondent had earlier preferred O.A.No.790 of 2008, wherein he had sought regularization of his services from 25.5.1982. The said Original Application came to be allowed by the Central Administrative Tribunal, Madras Bench, by order dated 18.9.2009, in which specific direction was given by the Tribunal to grant regularization as prayed for by the first respondent. This fact is not in dispute. It is also not in dispute that in O.A.No.790 of 2008, the first respondent had prayed for regularization of his services from 25.5.1982.

4. The above said order dated 18.9.2009 passed in O.A.No.790 of 2008 was challenged by the present petitioners before this Court by filing W.P.No.13988 of 2010. The writ petition came to be dismissed by order dated 2.8.2010. The first paragraph of the order dated 2.8.2010 passed in W.P.No.13988 of 2010 reads as under:

"The Postal Department has filed this Writ Petition challenging the order passed by the second respondent in O.A.No.790/2008, dated 18.9.2009, whereby and whereunder, the claim made by the first respondent for retrospective regularization of his service in the cadre of Driver w.e.f. 25.5.1982 was allowed."

5. Thus, it is clear that regularization was directed to be made with effect from 25.5.1982. Although the regular post might have been created with effect from 9.1.1984, the fact remains that the first respondent was engaged from a date prior to 9.1.1984 and petitioners have regularized identically placed persons from the date of their initial entry in similar

circumstances. This Court, in the order dated 2.8.2010, after observing that the claim for regularization was made from 25.5.1982, dismissed W.P.No.13988 of 2010, preferred by the present petitioners.

6. In this view of the matter, we do not think it is permissible for the petitioners to go again into the merits of the case afresh. The only limited issue in the present petition is whether the date of regularization ought to be from 25.5.1982 or from 9.1.1984. In view of the decision of this Court dated 2.8.2010 passed in W.P.No.13988 of 2010 dismissing the challenge against the order of the Tribunal in O.A.No.790 of 2008, we are of the opinion that there is no merit in this petition.

In the result, this writ petition is dismissed. No costs. Consequently, W.M.P.No.1140 of 2018 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sasi

To:

The Registrar
Central Administrative Tribunal
Madras Bench, High Court Campus
Chennai - 600 104.

+1cc to Mr.C.V.Ramachandra moorthy, Advocate Sr.59528
+1cc to Mr.K.M.Ramesh, Advocate Sr.59172

सत्यमेव जयते
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W.P.No.943 of 2018

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