

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2018

CORAM :

The Hon'ble Mr.HULUVADI G.RAMESH, ACTING CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE S.S.SUNDAR

W.P.No.13548 of 2018
and WMP.No.15965 of 2018

- 1.Union of India,
rep. by the Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai,
Chennai - 600 002.
- 2.Postmaster General,
Southern Region (TN),
Madurai - 625 002.
- 3.The Senior Superintendent of Post Offices,
Virudhunagar Division,
Virudhunagar - 626 001. ... Petitioners

Vs.

- 1.D.Dhamotharan
- 2.The Registrar,
Central Administrative Tribunal,
Chennai Bench,
High Court Complex,
Chennai - 104. ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India for issuance of a writ of Certiorari to call for the records dated 27.03.2017 made in O.A.No.310/00748/2016 on the file of the Central Administrative Tribunal, Chennai Bench and quash the same in so far it is against the petitioner.

For Petitioners : Mr.V.Balasubramanian

For Respondents : Mr.R.Malaichamy
for 1st respondent

ORDER

(Order of the Court was made by S.S.Sundar, J.)

This writ petition has been filed by the petitioners seeking a writ of certiorari to call for the records dated 27.3.2017 in O.A.No.310/00748/2016 on the file of the Central Administrative Tribunal, Chennai Bench and to quash the same.

2. Heard Mr.V.Balasubramanian, learned counsel appearing for the petitioners and Mr.R.Malaichamy, learned counsel appearing for the first respondent and also perused the materials available on record.

3. The first respondent has filed the Original Application before the Central Administrative Tribunal, Chennai Bench, seeking the following reliefs:

- (i) To call for the records of the first respondent pertaining to his order made in No.REP/34-33/96, dated 23.03.2016 and set aside the same.
- (ii) To direct the respondents to appoint the applicant on compassionate grounds at par with Ramalakshmi with all service benefits, and
- (iii) To pass such further orders as this Hon'ble Tribunal may deem fit and proper.

4. The Central Administrative Tribunal, Chennai Bench has allowed the Original Application filed by the first respondent by relying upon the order in O.A.No.1072 of 2012, which was passed in respect of one Ramalakshmi, who was also one of the applicants and similarly placed as that of the first respondent herein. The Central Administrative Tribunal has also considered that the first respondent cannot differently be treated.

5. Having regard to the fact that the first respondent is found to be a similarly placed person and is entitled for an appointment on compassionate ground and also entitled the benefit of the order dated 25.10.2013 passed in O.A.No.1072 of 2012, we are of the view that the Central Administrative Tribunal was right in extending the benefit of the order in O.A.No.1072 of 2012 to the first respondent. There is no infirmity in the order impugned in this writ petition and the writ petition is liable to be dismissed.

6. The writ petition is, therefore, dismissed. No costs. Consequently, W.M.P.No.15965 of 2018 is closed.

Sd/-

Assistant Registrar (CS VI)

//True copy//

Sub Assistant Registrar

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To:

1.The Registrar,
Central Administrative Tribunal,
Chennai Bench,
High Court Complex,
Chennai - 104.

2. The Chief Postmaster General,
Union of India,
Tamilnadu circle,
Anna Salai, chennai -2.

3. The Post master General,
Southern Region (TN)
Madurai 625 002.

4. The Senior Superintendent at Post Offices,
Virudhunagar Division,
Virudhunagar.

+1cc to Mr.R.Malaichamy, Advocate SR.No.54996

+1cc to Mr.V.Balasubramanian, Senior Panel Counsel SR.No.54880

W.P.No.13548 of 2018

GN(28/08/2018)



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