

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE Ms.JUSTICE P.T.ASHA

Writ Petition No.10982 of 2019
and WMP.No.11415 of 2019

1.Union of India

Rep.by The Chief Post Master General
Tamil Nadu Circle, Anna Salai
Chennai 600 002.

2.The Superintendent of Post Offices

Kanchipuram Division
Kanchipuram 631 501.

3.The Assistant Superintendent of Post Offices

Tiruvallur Sub Division
Tiruvallur 602 001

...Petitioners

-Vs-

1.N.Kumaresan

2.The Registrar

Central Administrative Tribunal
Chennai 600 104

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue writ of Certiorari calling for the records in the impugned order passed by the second respondent in O.A.No.310/01385/2016 dated 23.03.2018 and quash the same.

For Petitioners : Mr.D.Prem Kumar
for M/s.V.Chandrasekaran

For Respondents : Mr.R.Malaichamy for R1
R2-Tribunal.

O R D E R

(Order of the Court was made by K.K.SASIDHARAN,J.)

The application submitted by the first respondent for compassionate appointment was rejected by the Postal Department by order dated 19.07.2016. The said order was challenged before the Madras Bench of the Central Administrative Tribunal in O.A.No.1385 of 2016.

2. The Tribunal without setting aside the impugned order, directed the petitioners herein to consider the case in accordance with the revised scheme dated 30.05.2017. The said order is under challenge at the instance of the respondents in the Original Application.

3. The first respondent filed the original application before the Central Administrative Tribunal with a contention that the relative merits was not considered and he was not given full marks in accordance with the scheme. The Tribunal without considering the issue raised by the first respondent adjudicated the matter by resorting to a short cut method and disposed the Original Application by directing the petitioners to consider the application afresh in accordance with the revised scheme dated 30.05.2017.

4. There is no question of considering the case once again under the new scheme unless the earlier order is set aside in the manner known to law. The consideration of the application submitted by the first respondent under the new scheme would not arise, unless the earlier order is set aside. Since no such effort was taken by the Tribunal, we are of the view that the matter requires fresh consideration.

5. The impugned order dated 23.03.2018 is set aside. The original application in O.A.No.310/1385/2016 is restored to the file of the Madras Bench of the Central Administrative Tribunal. It is open to the parties to canvass their respective points before the Tribunal. The Tribunal shall consider the issue on merits and in accordance with the relevant scheme. In case, the Tribunal is of the view that marks were not awarded properly, there shall be a further direction to consider the issue in accordance with the revised scheme. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition is allowed in part as indicated above.
No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

dpq/nvsri

To

- 1.The Chief Post Master General
Tamil Nadu Circle, Anna Salai
Chennai 600 002.
- 2.The Superintendent of Post Offices
Kanchipuram Division
Kanchipuram 631 501.
- 3.The Assistant Superintendent of Post Offices
Tiruvallur Sub Division
Tiruvallur 602 001
- 4.The Registrar
Central Administrative Tribunal
Chennai 600 104

+1cc to Mr.V.Chandrasekaran Advocate, S.R.No.65878

+1cc to Mr.R.Malaichamy Advocate, S.R.No. 65400

KS (CO)

CB (12/09/2019)

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