

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2019

CORUM

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

Writ Petition No.23784 of 2019

P.K.Ponmalai

..... Petitioner

Vs

1. The Chief Post Master General,
Anna Salai,
Chennai - 600 002.

2. Senior Accounts Officer,
(Pension Section)
Ethiraj Salai,
Chennai - 600 008.

3. The Superintendent of Post Officer,
Namakkal Division,
Namakkal - 637 001.

..... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records relating to the order dated 17.06.2019 made in MA/310/00317/2019 & MA/310/00318/2019 in O.A/310/00081/2017 by Central Administrative Tribunal Chennai Bench and quash the same and restore and OA/310/00081/2017 to the file of Central Administrative Tribunal.

For Petitioner : Mr.U.Karunakaran

For Respondents : Mr.Venkatasamy Babu

O R D E R

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

The Original application filed by the petitioner before the Madras Bench of the Central Administrative Tribunal was dismissed for non-prosecution by order dated 18.04.2018. The application filed by the petitioner for restoration of his Original Application by setting aside the order dated 18.04.2018 along with an application to condone the delay of 334 days was dismissed by the Tribunal, by order dated 17.06.2019. The said order is the subject matter of this writ petition.

2. We have heard the learned counsel for the petitioner. We have also heard Thiru.Venkatasamy Babu, the learned counsel for the respondents.

3. The affidavit filed in support of the miscellaneous application filed before the Tribunal indicates that the Original Application came up for hearing before the Registrar before completion of pleadings. Thereafter, it was posted before the Tribunal on 21.03.2017. The Application thereafter, came up for hearing on 18.04.2018. Since the counsel for the petitioner was absent, the Tribunal was pleased to dismiss the Original Application. It was to restore the Original Application, the petitioner has filed the application along with the Miscellaneous Application for condoning the delay.

4. The Tribunal appears to have taken a very strict view of the matter and the same resulted in dismissing the application filed for condoning the delay. While dismissing the application, the Tribunal considered the merits of the matter and observed that the Original Application is prima facie devoid of merits. The Tribunal was not expected to travel beyond the scope of the petition. The Miscellaneous Application was filed only for condoning the delay. There was no occasion for the Tribunal to consider the merits of the matter, taking into account the submission made on behalf of the respondents.

5. We are of the view that the petitioner has given sufficient reason for condoning the delay.

6. The order passed by the Tribunal dated 18.04.2017, dismissing the Original Application for default is set aside. The order dated 17.06.2019, is also set aside. The Original Application in O.A.No.81/2017 is restored to file. The Tribunal is directed to consider and dispose of the Original Application on merits, without in any way being influenced by the observation made in the order dated 17.06.2019.

7. The Writ Petition is allowed as indicated above. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Chief Post Master General,
Anna Salai,
Chennai - 600 002.
2. Senior Accounts Officer,
(Pension Section)
Ethiraj Salai,
Chennai - 600 008.
3. The Superintendent of Post Officer,
Namakkal Division,
Namakkal - 637 001.

+1cc to Mr.U.Karunakaran, Advocate Sr.74911

+1cc to M/s.Venkataswamy Babu, Advocate Sr.74797

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sv[co]
srg 01/10/2019