



WEB COPY



W.P. No.28843 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 06.10.2023

CORAM:

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P. No.28843 of 2023
and
WMP.Nos.28443 and 28444 of 2023

M.K.Devarajan (deceased)
Rep. by his Legal heirs

1. S.Navaneetham
2. D.Devi

.. Petitioners

Versus

Union of India
Rep. by the Senior Superintendent of Post,
Department of Postal,
Tambaram Division,
Tambaram, Chennai 600 045

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the Central Administrative Tribunal, Madras Bench pertaining to its order

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dated 25.09.2019 passed in OA.No.190 of 2019, quash the same and also by directing the respondent to extend the benefits of the order dated 15.09.2017 passed by this Court in WP.No.15732 of 2017 and to grant annual increment for the year 2013 and refix pensionary benefits payable to the petitioners herein.

For petitioners : Mr.V.Ragupathy

For respondent : Mr.C.Kulanthaivel

ORDER

(The Order of the Court was made by D.KRISHNAKUMAR, J)

The petitioners herein challenge the order, dated 25.09.2019 passed by the Central Administrative Tribunal, wherein the first petitioner's husband sought for an annual increment.

2. The petitioners 1 and 2 are the wife and daughter of the deceased Devarajan. The said Devarajan retired as a Post Master on 30.06.2013. Though he completed full one year of service i.e., from 01.07.2012 to 30.06.2013 in respondent Department, the benefit of notional increment was



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denied. Hence, he filed OA.No.190 of 2019 before the Tribunal seeking annual increment for the year 2013 and other consequential benefits. The said OA came to be dismissed for non prosecution on 25.09.2019. Challenging the said order, the present Writ Petition has been filed.

3. The learned counsel appearing for the petitioners submitted that, in similar circumstances, this Court in WP.No.15732 of 2017, by order dated 15.09.2017 granted one notional increment to the petitioner therein. Since the said decision covers the facts of the case herein, the petitioners, without approaching the Tribunal has directly come before this Court.

4. However, we are of the view that when the OA filed before the Tribunal came to be dismissed on the ground of non-prosecution on 25.09.2019, the petitioners shall file necessary application before the Tribunal to restore the said OA instead of filing Writ Petition before this Court. Hence, we are not inclined to entertain the Writ Petition and the same is liable to be dismissed. Accordingly, this Writ Petition is dismissed. The petitioners shall work out their remedy before the Tribunal in the manner



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known to law. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J] [P.D.B., J.]
06.10.2023

Speaking order: Yes/No
Index : Yes/No
Note: I.T. on 09.10.2023
pvs

To
The Senior Superintendent of Post,
Union of India
Department of Postal,
Tambaram Division,
Tambaram, Chennai 600 045



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D.KRISHNAKUMAR, J.
and
P.DHANABAL, J.

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