



W.P.No.4128 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.10.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HONOURABLE MR.JUSTICE P. DHANABAL**

**W.P.No.4128 of 2023**

1. Union of India, rep.by the Chief Post Master General,  
Tamil Nadu Circle, Anna Salai, Chennai 600 002.
2. The Assistant Director (Rectt.),  
O/o the Chief Postmaster general,  
Tamilnadu Circle, Anna Salai, Chennai 600 002.
3. The Post Master General, Chennai City Region,  
Anna Salai, Chennai 600 002.
4. The Assistant Director (staff),  
Chennai City Region,  
Anna Salai, Chennai 600 002.
5. The Senior Superintending of Post Offices,  
Chennai City South Division,  
Chennai 600 017.

... Petitioners

Vs.

1. The Registrar, Central Administrative Tribunal,  
Madras Bench, High Court Building,  
Chennai -104.
2. R.Prema

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the records of the Tribunal in its impugned order dated 24.01.2022 in OA.No.571/2020 passed by the first respondent, the Central Administrative Tribunal, Madras Bench and its batches and quash the same.

For petitioners : Mr.M.Karthikeyan

For Respondents : Mr.S.N.Subramani, for R2

### ORDER

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

Challenging the order dated 24.01.2022 passed by the Tribunal in O.A.No.571/2020, directing the Department that, *on opening the sealed cover, if the second respondent herein found to have qualified in the LDCE and if she qualifies as per her records for the benchmark for promotion, she can be promoted after expiry of the currency of punishment she was undergoing, provided she would come within the vacancies available for the category to which she belongs, against which the LDCE was conducted,* the present writ petition has been filed by the Union of India/Department.



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2. The brief facts leading to the filing of the present writ petition is as follows.

The second respondent herein is working as Postwoman at Ashok Nagar SO and she had applied for the examination (Limited Departmental Competitive Examination) from among the eligible postman/ postwoman/ MTS, conducted by the Department for promotion to the cadre of Postal Assistant for the vacancies of the year 2020 (01.01.2020 to 31.12.2020), vide notification dated 6.11.2020. However, she was not permitted by the fifth respondent stating that she has been imposed with the punishment of withholding increment for a period of one year, which expires on 31.05.2021. According to the second respondent, the punishment of withholding of increment for a period of one year, which expires on 31.05.2021, is not a bar to participate in the said examination on 21.12.2020. Therefore, she filed O.A.No.571/2020 before the Tribunal and it was allowed, vide order dated 24.01.2022. Challenging the order passed by the Tribunal, as stated supra, the present writ petition has been filed.



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3. The learned Standing counsel appearing for the appellants, has relied upon the revised instruction, dated 17.05.2023, passed by the Government of India, Ministry of Communications, Department of Posts and submitted that, in the light of the above said revised instructions, the second respondent herein will be considered for promotion on the date of expiry of her currency period of punishment.

4. According to the learned counsel for second respondent, the currency period of punishment was already expired and hence, there is no bar for the Department to consider the second respondent for promotion, as directed by the Tribunal.

5. Recording the submission made by the learned counsel for the parties, the appellants/Department is directed to consider the claim of the second respondent herein, if otherwise she is eligible, in the light of the revised instructions issued by the Department dated 17.05.2023, and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.



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6. With the above directions, this writ petition is dismissed. No costs.

(D.K.K.J.)

(P.D.B.J.)

11.10.2023

***Note: Issue order copy on or before 16.10.2023.***

Internet: Yes/No

Index : Yes/No

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and

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OSA (CAD) No.16 of 2023

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