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W.P.No.34899 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.34899 of 2024 and
W.M.P.No.37839 of 2024

1. Union of India,
Rep. by the Director (SPN)
Ministry of Communications,
Department of Post,
Dak Bhavan, Sansad Marg,
New Delhi- 110 001.
2. The Chief Postmaster General,
Tamil Nadu Circle,
Anna Salai, Chennai - 600 002.
3. The Assistant Director (Rectt.and Estt.)
O/o. The Chief Postmaster General,
Tamil Nadu Circle, Anna Salai,
Chennai-600 002.
4. The Superintendent of Post Offices,
Krishnagiri Division,
Krishnagiri- 635 001.

... Petitioners

Vs.

1. D.M.Anandakumar
2. The Registrar,
Central Administrative Tribunal,
High Court Campus, Chennai -600 104.

... Respondents



W.P.No.34899 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari, calling for the records pursuant to the impugned proceedings of the Respondent No.2, Tribunal's order dated 16/12/2023, in O.A.No.675 of 2022, quash the same.

For Petitioners : Mr.A.Kumaraguru,
Senior Panel Counsel

For R1 : Mr.R.Malaichamy

For R2 : Tribunal

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The order dated 16.12.2023, in O.A.No.675 of 2022 is under challenge in the present writ petition. Union of India, represented by the Director (SPN), Ministry of Communications, Department of Post is one of the writ petitioners.

2.Mr.A.Kumaraguru, learned Senior Panel Counsel, appearing on behalf of the petitioners would submit that the first respondent is ineligible to participate in the process of selection even as per the notification. However, the Tribunal issued a direction permitting the first respondent to participate. Thus, the Department moved the present writ petition. He would further submit that the Ernakulam Tribunal's order relied on by the Central Administrative Tribunal was reversed by the High Court of Kerala. Therefore, the directions as such



W.P.No.34899 of 2024

issued by the Tribunal cannot be considered by the writ petitioners.

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3.Mr.R.Malaichamy, the learned counsel appearing on behalf of the first respondent would oppose by stating that the Ernakulam Bench's order has not been reversed by the High Court of Kerala. Therefore, the first respondent is eligible to participate in the process of selection as per the order passed by the Central Administrative Tribunal. Thus, the writ petition has to be rejected.

4.We have considered the order impugned. In paragraph No.10 of the order, the Central Administrative Tribunal has not issued any positive direction to the authorities. In paragraph No.10, the first respondent was permitted to make a comprehensive representation, relying upon the orders passed by the Tribunal in O.A.No. 679 of 2022 as well as the order of the Ernakulam Bench Tribunal within a period of two weeks from the date of receipt of a copy of the order passed by the Tribunal. On receipt of the same, the respondents are directed to consider and decide the matter, if the first respondent is similarly situated as the applicant in O.A. before the Ernakulam Bench as well as O.A.No.679 of 2022 and consider the claim of the applicant and the first respondent by issuing an appointment order within four months thereafter. The Central Administrative Tribunal granted liberty to the first respondent to submit



W.P.No.34899 of 2024

a representation and upon receipt of the same, the writ petitioners herein are directed to consider the same on merits, take a decision and pass appropriate orders.

5.The said order *per se* would not provide a cause, in view of the fact that the writ petitioners would have considered the representation, if any, submitted by the first respondent on merits. The learned Senior Panel Counsel would submit that the first respondent filed a contempt petition and that resulted in filing of the present writ petition. Be that as it may, the order of the Tribunal is to be complied with by the writ petitioners in the event of receiving any representation from the first respondent as directed by the Tribunal. Regarding the merits, it is for the authorities to consider based on the relevant factors and the Recruitment Rules in force.

6.We have made it clear that the directions issued by the Tribunal to issue an appointment order cannot sustain in view of the fact that the first respondent has to first establish his eligibility to participate in the process of selection. When that itself is questioned, the Tribunal's direction to consider the representation alone is to be implemented and regarding issuance of appointment, it is subject to the decision to be taken by the competent



W.P.No.34899 of 2024

authorities/writ petitioners while considering the representation submitted by the first respondent. The said exercise is directed to be completed as expeditiously as possible.

7. With these observations, the writ petition stands disposed of. Consequently, connected miscellaneous petition is closed. No costs.

[S.M.S., J.]

[M.J.R., J.]

27.11.2024

Index: Yes/No

Speaking/Non-speaking order
sli

To

The Registrar,
Central Administrative Tribunal,
High Court Campus, Chennai - 600 104.



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W.P.No.34899 of 2024

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