



W.P.No.25385 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.12.2025

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

W.P.No.25385 of 2023

and

W.M.P.No.24789 of 2023

1. Union of India,
rep. by The Postmaster General,
Chennai City Region,
Chennai – 600 002.
2. Superintendent of Post Offices,
Arakkonam Division,
Arakkonam – 631 001.
3. Sri.R.Rangarajan,
Then Officiating Inspector Post,
Walajpet Sub Division, Walajpet – 632 513,
Now Office Assistant O/o Sueprintendent of Post offices,
Arakkonam Division, Arakkonam – 631 001 ..Petitioners.
Vs.

1. The Registrar,
Central Administrative Tribunal,
Madras Bench High Court Building,
Chennai – 600 104.

2. Mr.S.Kailasam,



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S/o Sadayappa Reddi

..Respondents

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Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the Tribunal in its impugned order dated 18.08.2022 in O.A.No.1610/2015 passed by the 1st respondent, central administrative Tribunal, Madras Bench and quash the same.

For Petitioners : Mr.S.Girissh
for Mr.Mkarthikeyan,
C.G.S.C.

For Respondents: R1 – Tribunal
No appearance for R2

ORDER

C.KUMARAPPAN,J.

The present writ petition has been filed against the order of the Central Administrative Tribunal (hereinafter called as “CAT), dated 18.08.2022, by and in which, the order of punishment was set aside and the matter was remitted back to the disciplinary authority.



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2. The main ground urged by the learned counsel for the petitioner

is that the Central Administrative Tribunal, having gone to the fact about the admission of guilt by delinquent, on an humanitarian ground, set aside the punishment and remitted back to the original authority. It is the specific submission of the learned counsel that when the disciplinary authority had arrived at a conclusion that charges were proved based on the admission of guilt by delinquent, the question of imposing punishment is squarely rests upon the disciplinary authority, and the CAT/ appellate authority, unless the punishment is unconscionably disproportionate, ought not to have intervened with the punishment by remitting the matter back to the authorities. Hence, prayed to interfere with the same.

3. On behalf of the respondents, inspite of the name being printed in the cause list, no one appeared.

4. We have given our anxious consideration to the submissions of the learned counsel for the petitioners.



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5. The short point to be considered is, whether the order of remand is sustainable.

6. While considering the observations made by the Central Administrative Tribunal, though the CAT had recorded that the delinquent had admitted the guilt of misappropriation, but was of the view that the so called misappropriation had occurred only because of compelling reason to revive his daughter from chronic ailment of cancer, and that such aspect was not considered by the disciplinary authority. According to CAT, humanitarian aspect will have role even in the serious charge of misappropriation. But we are not in a position to accept such principle. But here, the CAT did not usurp the power of disciplinary authority, but only directed the disciplinary authority to consider that aspect. Only based upon that ground, the CAT had remanded the matter to the disciplinary authority.

7. Though this Court is not able to concur with the principles enunciated by the CAT, since the CAT simply remanded the matter back

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to the disciplinary authority for reconsideration, we do not want to interfere with the order of remand.

8. Accordingly, with the above observation, the Writ Petition stands dismissed. However, we make it clear that the order of remand which was made by the CAT is only to consider the proportionality of the punishment. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (C.K.,J.)

02.12.2025

vsi

Index:Yes/No

To

The Registrar,
Central Administrative Tribunal,
Madras Bench High Court Building,
Chennai – 600 104.



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**S.M.SUBRAMANIAM,J.
AND
C.KUMARAPPAN,J.**

vsi

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