



WEB COPY



W.P.No.33537 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **V.LAKSHMINARAYANAN**

Writ Petition No.33537 of 2023 &
WMP.No.33354 of 2023

- 1.Union of India,
Represented by the
Secretary Department of Posts,
Dak Bhavan Sansad Marg,
New Delhi – 110001.
- 2.The Director (Staff),
Department of Posts,
Ministry of Communications,
Dak Bhavan Sansad Marg,
New Delhi 110001.
- 3.The Chief Post Master General,
Tamil Nadu Circle,
Anna Salai, Chennai 600002. ... Petitioners

Vs.

- 1.The Central Administrative Tribunal,
Rep by its Registrar Madras Bench,
Chennai
- 2.T.Mohan ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the records of the first respondent and quash the order passed in OA 1118/2021 dated 02.02.2023.



W.P.No.33537 of 2023

For Petitioners : Mr.P.G.Santhosh Kumar

WEB COPY For Respondent 2 : Mr.Karthik Rajan

R1 - Tribunal

ORDER

(Order of the Court was made by **V.LAKSHMINARAYANAN, J.**)

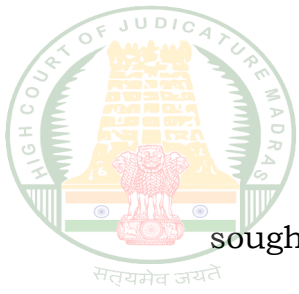
The petitioners seek for the following relief:

“To call for the records of the first respondent and quash the order passed in OA 1118/2021 dated 02.02.2023.”

2. The second respondent approached the Central Administrative Tribunal (hereinafter referred to as “Tribunal” at Chennai seeking for the following reliefs:

“To set aside Memo No.REP/32-O.A. 1675/2018-CAT dated 04.11.2019, issued by the 3rd respondent and direct the respondent to extend the benefit of the order of the Hon'ble Supreme Court in CA 7773 of 2009 dated 31.07.2010 and regularise the services of the applicant in a Group D post from the date of his initial appointment with all attendant and consequential benefits as was granted to identically situated persons and pass such further or other orders as may be deemed fit and proper.”

3. It is a case of the second respondent that his father, who was an employee of the writ petitioner died in harness on 24.12.1993. He

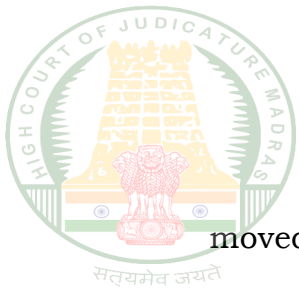


W.P.No.33537 of 2023

sought for an appointment on compassionate ground and the same was approved. He was placed on a waiting list as there were several persons above him, who were waiting for absorption. In the meantime, the applicant had been appointed as ED packer with effect from 20.09.1995 on provisional basis. The Department had taken a policy to discontinue the concept of waiting list for Group-D candidates, who had been approved for Compassionate appointment. Willingness was called upon from those candidates as to whether they are willing to be absorbed in other Government departments.

4. Exercising the option so given, the second respondent on 06.06.2001 accepted the same. In 2012, the applicant cleared the departmental examination and was appointed as Postman with effect from the year 2013. He came to know that the persons, similarly situated like him, had approached the Tribunal in OA.No.862 of 2001 etc batch. The Tribunal, by its order dated 28.03.2002, had directed the respondents to consider the applicants therein for regularisation against regular post. The challenge made to the said order attained finality with the order being confirmed by the Supreme Court.

5. The second respondent gave a representation dated 18.07.2018, seeking for regularisation of his service, pursuant to the order of the Supreme Court aforesaid. As there was no response, he



W.P.No.33537 of 2023

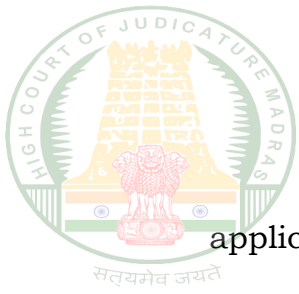
moved the Tribunal in OA.No.1675 of 2018. The Tribunal, by order dated 21.12.2018, directed the petitioners herein to consider the representation and pass an order.

6. In obedience to the order passed by the Tribunal, the petitioners herein considered the same and rejected the representation by order dated 04.11.2019. Challenging the same, the applicant/second respondent moved the Tribunal again by way of O.A.No.1118 of 2021.

7. The Tribunal took up the application on file and directed the petitioners herein to file a reply.

8. The respondent/petitioners filed a detailed reply. According to them, as the second respondent was neither a party to OA.No.862 of 2001, nor in the writ petitions that had been preferred before this court or before the Supreme Court. Hence, he is not entitled to the benefit of the order. The petitioners herein, further stated that the orders of regularisation had been issued to those, who were the parties in the previous proceedings. It further pointed out that the case of the second respondent cannot be equated with the case of the respondents before the Supreme Court.

9. As pleadings have been completed, the Tribunal took up the



W.P.No.33537 of 2023

application for disposal. It held that the petitioners, being a model employer, should not have treated the similarly placed persons dissimilarly. It further held that the second respondent herein was seeking regularisation only from the date when he was appointed as GDS and was not seeking backwages. Consequently, it allowed the application. Challenging the same, the present writ petition.

10. We heard Mr.P.G.Santhosh Kumar for the petitioners and Mr.Karthik Rajan for the second respondent.

11. The facts placed above is not in dispute. The judgments of the Supreme Court, especially in constitutional or service law matters, are universal in application. They are not limited to the parties before the court. The law declared by the Supreme Court is binding on all courts and authorities, unless it is explicitly overruled or modified.

12. This very issue had been gone into by the Supreme Court in the ***State of Karnataka and Others v. C.Lalitha, (2006) 2 SCC 747***. The Supreme Court held as follows:

“29. Service jurisprudence evolved by this Court from time to time postulates that all persons similarly situated should be treated similarly. Only because one person has approached the court that would not mean that persons similarly situated should be treated differently.”



WEB COPY

13. After an analysis of all the precedents on this point, the principles were summed up by the Supreme Court in **State of Uttar Pradesh v. Arvind Kumar Srivastava and others, (2015) 1 SCC 347**. The relevant portion is extracted hereunder:

“23. Viewed from this angle, in the present case, we find that the selection process took place in the year 1986. Appointment orders were issued in the year 1987, but were also cancelled vide orders dated 22-6-1987. The respondents before us did not challenge these cancellation orders till the year 1996 i.e. for a period of 9 years. It means that they had accepted the cancellation of their appointments. They woke up in the year 1996 only after finding that some other persons whose appointment orders were also cancelled got the relief. By that time, nine years had passed. The earlier judgment had granted the relief to the parties before the Court. It would also be pertinent to highlight that these respondents have not joined service nor working like the employees who succeeded in earlier case before the Tribunal. As of today, 27 years have passed after the issuance of cancellation orders. Therefore, not only was there unexplained delay and laches in filing the claim petition after a period of 9 years, it would be totally unjust to direct the appellants to give them appointment as of today i.e. after a period of 27 years when most of these respondents would be almost 50 years of age or above.”

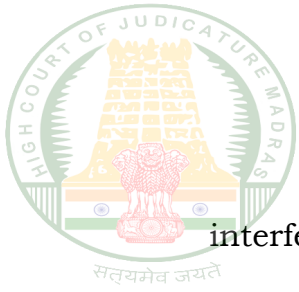


W.P.No.33537 of 2023

14. The law having been clearly laid down by the Supreme Court, we only have to place the facts and apply the said principles to the case. The second respondent cannot be accused of laches as he had approached the Tribunal soon after the rejection of his representation on 04.11.2019. He had given a request for regularisation after the disposal of the proceedings before the Supreme Court.

15. Treating similarly situated persons dissimilarly is anathematic to Article 14 of the Constitution of India. As rightly held by the Tribunal, being a model employer, the writ petitioners ought to have implemented the orders of the Supreme Court across the bar, without waiting for a person to approach the court. They need not have waited for a litigation to be commenced for the purpose of granting a relief to the second respondent, which he was otherwise entitled to.

16. Furthermore, this court while dealing with the order of the Central Administrative Tribunal, does not sit, as a court of appeal. The scope of jurisdiction under Article 226 of the Constitution of India is supervisory or visitorial. This Court is concerned only about the decision making process and not with the decision itself. We do not find the order of the Tribunal to be so unreasonable to require



W.P.No.33537 of 2023

interference on our part.

WEB COPY

17. The Tribunal has applied the right principles of law to the facts before it and has rendered justice between the parties. That being the position, we do not find any reason to interfere. The writ petition is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(M.S.R, J.) (V.L.N, J.)
11.08.2025

nl

Index : Yes/No
Speaking Order/Non Speaking Order
Neutral Citation : Yes/No

To

1.The Registrar,
Central Administrative Tribunal,
Chennai Beach, Chennai



WEB COPY



W.P.No.33537 of 2023

**M.S. RAMESH, J.
and
V.LAKSHMINARAYANAN, J.**

nl

Writ Petition No.33537 of 2023

11.08.2025