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W.P.No.32046 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2025

CORAM

**THE HONOURABLE MRS. JUSTICE J.NISHA BANU
AND
THE HONOURABLE MR. JUSTICE S.SOUNTAR**

**W.P.No.32046 of 2025
and
W.M.P.Nos.35914 & 35917 of 2025**

1. Union of India,
rep. by the Superintendent of Post Offices,
Krishnagiri Division,
Krishnagiri - 635 001

2. Inspector of Posts,
Krishnagiri West Sub-Division,
Krishnagiri- 635 001.

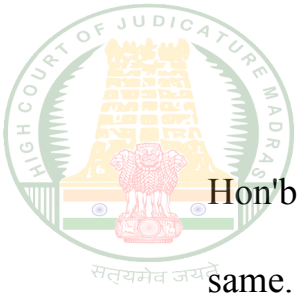
..Petitioners

Vs.

Anu,
D/o K.Nanda
No.1/71, Bellarampalli Village and Post,
Alapatti,
Krishnagiri District,
Pin - 635 122.

..Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India
to issue a Writ of Certiorari to call for the records pertaining to the order
dated 19.07.2024 in Original Application No.33 of 2023 on the file of the



W.P.No.32046 of 202:



Hon'ble Central Administrative Tribunal, Chennai Bench and quash the same.

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For Petitioners : Mr.Sakthivel.AR

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

This writ petition has been filed challenging the order dated 19.07.2024 in O.A.No.33 of 2023 passed by the Central Administrative Tribunal, by which, the termination order passed by the 2nd petitioner herein as against the respondent was set aside and ordered to reinstate the respondent into service with all consequential benefits without any break in service.

2.1 The case of the petitioners is that the respondent was provisionally engaged as GDS MD, pursuant to a notification dated 17.05.2016 issued by the 2nd petitioner. The vacancy arose due to removal of the regular incumbent, R.Thirumal who was placed under put-off duty on 04.10.2010 and formally removed from engagement on 11.06.2014 following disciplinary proceedings.

2.2 To ensure uninterrupted postal service, the petitioners issued a notification for provisional engagement, stating the appointment was temporary and liable to termination at any time and conferred no future



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claim to the post. The respondent was selected on merit and joined duty on 9.9.2016. Her engagement continued only till 24.07.2018, i.e., on the date on which, R.Thirumal was reinstated into service as per the orders of the Tribunal and the High Court.

2.3 Aggrieved by her termination, the respondent filed Original Application in O.A.No.33 of 2023 before the Tribunal seeking reinstatement and consequential benefits. However, the Tribunal allowed the original application and directed reinstatement of the respondent. Hence, the present writ petition with the aforesaid relief.

3.1 Learned counsel for the petitioners would state that the vacancy to which the respondent was engaged arose due to removal of regular incumbent R.Thirumal who was initially placed under put-off duty on 04.10.2010 and was subsequently, removed from engagement by the Postmaster General, Western Region, Coimbatore, vide memo dated 21.05.2014. The said R.Thirumal was formally removed from engagement on 11.06.2014. In order to ensure continuity of postal services, the second petitioner issued notification to fill the post on a provisional basis. The respondent was issued a provisional selection order dated 05.08.2016 and she joined duty on 09.09.2016.

3.2 Learned counsel would further state that the said R.Thirumal



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challenged his removal from service before the Tribunal and the Tribunal vide order dated 11.08.2016 in O.A.No.198 of 2015 quashed the order of removal and restored the earlier penalty of debarring the official from appearing in departmental examination. Against which, the petitioners/Department preferred a writ petition in W.P.No.26118 of 2017. This Court, modified the penalty, to stoppage of increment for two years with cumulative effect in addition to the penalty already imposed. In compliance of the said order, the Department reinstated R.Thirumal to the post of GDS MD. Consequently, the respondent/ provisional engagement came to an end on the same date.

3.3 Learned counsel for the petitioners would further state that aggrieved over the termination, the respondent filed O.A.No.33 of 2023 before the Tribunal seeking reinstatement and consequential benefits. The petitioners contested the same stating that due to reinstatement of the regular incumbent pursuant to judicial orders, no separate termination order was required in view of the terms of engagement. The respondent had not rendered three years of service and thus, not entitled to alternative employment. However, the Tribunal observed that the respondent should be accommodated, which is contrary to the recruitment rules and departmental instructions. The respondent has no vested right to continue in service nor any claim to regularization or reinstatement. Hence, he



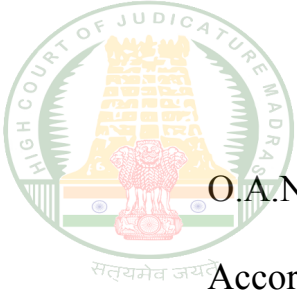
prayed to allow this writ petition by setting aside the order passed by the Tribunal.

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4. Heard the learned counsel for the petitioners and perused the materials available on record.

5. On perusal of the records, it is seen that the respondent was selected and appointed as per the rules in force as GDS MD, Kalvehalli BO. She was also directed to attend the Basic Computer training by the petitioners vide memo dated 24.08.2016 and she also attended the training from 26.08.2016 to 08.09.2016. From the order dated 22.07.2018 issued by the Department of Posts, with the caption "Charge Report and Receipt for cash and stamps on transfer of charge", it is seen that only the word "Terminated" was written on the top. The same cannot be construed as a termination order. No termination order has been issued to the respondent and no reasons have been given for terminating the service of the respondent. Therefore, terminating her without any notice/order in writing amounts to violation of principles of natural justice.

6. In view of the above, we find no merits in this writ petition and therefore, we are of the opinion that the order passed by the Tribunal in



W.P.No.32046 of 202:

O.A.No.33 of 2023 dated 19.07.2024 needs no interference by this Court.

Accordingly, the Writ Petition stands dismissed. No costs. Consequently,

connected miscellaneous petitions are closed.

[J.N.B.,J.] [S.S.,J.]
01.09.2025

vsi

Speaking order/Non-speaking order

Neutral Citation:Yes/No

To

The Central Administrative Tribunal,
Chennai Bench.



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W.P.No.32046 of 202:

J.NISHA BANU,J.
AND
S.SOUNTHAR,J.

Vsi

W.P.No.32046 of 2025

01.09.2025