

**Central Administrative Tribunal  
Madras Bench**

**OA 310/00602/2019**

**Dated Wednesday the 1<sup>st</sup> day of May Two Thousand Nineteen**

**P R E S E N T**

**Hon'ble Mr. T. Jacob, Member (A)**

I. Arunkumar  
No 39, 4<sup>th</sup> Street  
Ranganathapuram, Tambaram West  
Chennai – 600 045.  
Applicant

By Advocate **M/s. P.R. Satyanarayanan**

**Vs.**

1. Union of India rep. by  
The Chief Postmaster General  
Tamil Nadu Circle  
Chennai – 600 002.

2. The Postmaster General  
Chennai City Region  
Chennai – 600 002.

3. The Sr. Superintendent of Post Offices  
Tambaram Division  
Chennai – 600 045.  
Respondents

By Advocate **Mr. Su. Srinivasan**

**ORAL ORDER**

Pronounced by Hon'ble Mr. T. Jacob, Member(A)

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To call the records relating to his representation dated 17.09.2018 addressed to the first respondent seeking grant of compassionate allowance and direct the first respondent or any other competent authority to consider his representation dated 17.09.2018 and pass orders in accordance with the provisions of Rule 41 of CCS (Pension) Rules, 1972 within a specified period of time and pass such further orders"

2. It is submitted that the applicant was removed from service by the third respondent vide proceedings No. B2/8-15/02 dated 31.03.2004. The applicant submitted a representation to the first respondent on 09.05.2005 followed by reminders dated 28.06.2006 and 20.02.2007 seeking sympathetic consideration. But the representations have not been disposed of. Further the applicant submitted Annexure A7 representation dated 17.09.2018 to the first respondent and Annexure A8 reminder dated 23.11.2018 seeking compassionate allowance. But till date there is no response from the respondents.
3. Learned counsel for the applicant would submit that the applicant would be satisfied if the respondents are directed to consider his Annexure A7 and A8 representations and reminders dated. 17.09.2018 and 23.11.2018 respectively within a time frame stipulated by this Tribunal.
4. Mr. Su. Srinivasan takes notice for the respondents and vehemently opposes the prayer for disposal of the representation.



5. Keeping in view the limited prayer of the applicant and without going into the substantive merits of the case, the OA is disposed of at the admission stage with a direction to the respondents to consider Annexures A7 representation of the applicant dated 17.09.2018 and reminder dated 23.11.2018 in accordance with law and pass a reasoned and speaking order within a period of three months from the date of receipt of copy of this order. This order however, is subject to the word of caution administered by the Hon'ble Apex Court in the case of Union of India vs. M. Sarkar (2010 (2) SCC 59), wherein, it has been held as under:-

"16. If the Court or tribunal deciding to direct "consideration" without itself examining the merits, it should make it clear that such consideration will be without prejudice to any contention relating to limitation or delay and laches. Even if the court does not expressly say so that would be legal position and effect."

6. OA is disposed of at the admission stage.