

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.421 of 1994

Friday, this the 23rd day of December, 1994

CORAM

HON'BLE MR PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

HON'BLE MR P SURYAPRAKASAM, JUDICIAL MEMBER

S. Nanoo, Postman,
Trivandrum Beach Post Office,
Thiruvananthapuram-695 007.

...Applicant

By Advocate Mr Thomas Mathew.

Vs.

1. Senior Superintendent of Post Offices,
Trivandrum North Division,
Thiruvananthapuram-695001.
2. Deputy Director,
Postal Accounts,
Thiruvananthapuram-695 010.
3. Chief Postmaster General,
Kerala Circle,
Thiruvananthapuram-695 033.
4. Union of India, rep.by Secretary,
Ministry of Communications,
New Delhi.

...Respondents

By Advocate Mr TPM Ibrahim Khan, Sr.CGSC

O R D E R

PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant was appointed as a Class IV employee on 24.6.58. He was promoted to the cadre of Postman with effect from 11.2.62 and promoted further to the Selection Grade from 1.11.74. While he was working in that grade, as a result of a disciplinary action he was reverted as Group 'D' with effect from 25.6.1976, the reversion period being fixed as 15 years on appeal. Applicant has not challenged this reversion. The punishment ran its full course on 24.6.91. Applicant contends that on that date, he should be restored

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to the position which he held at the time of reversion. Applicant contents that instead he was posted only as Postman and not as Selection Grade Postman and that too only on 16.10.1991.

2. The other contention of the applicant is that during the period of reversion he was promoted as Jamadar. He performed the functions of Jamadar for a long period of nearly 9 years and by the impugned order A-7 respondents have cancelled the promotion as Jamadar on the ground that it was wrongly granted during the currency of a punishment. Applicant contends that when he had discharged the duties of Jamadar and when the promotion has been given if wrongly only because of a fault of the respondents, he should not be penalised by excess emoluments paid to him during the period he worked as Jamadar being recovered.

3. During the hearing, learned counsel for applicant stated that in terms of several decisions of the Apex Court, the applicant should be permitted to retain the higher pay which he had drawn as Jamadar.

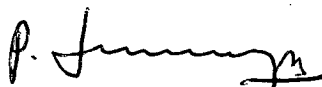
4. It is not in dispute that the punishment of reversion for 15 years which was awarded with effect from 25.6.76, ran its full course on 24.6.91. On that date applicant has to be restored to that position which he held at the time of his reversion on punishment. We, therefore, direct 1st respondent or any other competent authority to issue orders restoring applicant

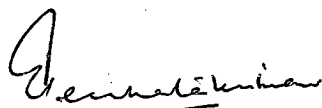
to the post of Selection Grade Postman with effect from 25.6.1991.

5. It is not in dispute that the applicant has worked as Jamadar. Though we are not quashing A-7 impugned order nor interfering with the cancellation of the promotion of the applicant as Jamadar, considering that the applicant has discharged the duties of Jamadar during that period, he is entitled to emoluments due to that post. We do not see before us any order of recovery of the excess emoluments paid to him during this period, but the learned counsel for applicant apprehends that respondents may recover the excess payments made to him during the period that he has worked as Jamadar. In the view that we have taken of the matter, we consider it necessary in the interests of equity to direct the respondents not to recover any excess payment that may have been made to the applicant during the period he worked as Jamadar.

6. With the above directions, the application is disposed of. No costs.

Friday this the 23rd day of December, 1994.


P SURYAPRAKASAM
JUDICIAL MEMBER


PV VENKATAKRISHNAN
ADMINISTRATIVE MEMBER

List of annexure

Annexure A.7: True copy of proceedings No.BIE/TV(N)SDN/Pt dated 3.3.1994 of the first respondent issued to the applicant.