

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 105 OF 2000.

Monday this the 31st day of January 2000.

CORAM:

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. J.L. NEGI, ADMINISTRATIVE MEMBER

N. Ramachandran Pillai,
LSG Sorting Assistant,
R.M.S. TV Division, Sub Record Office,
Quilon.
(By Advocate Shri Thomas Mathew)

Applicant

Vs.

1. Sub Record Officer,
R.M.S. TV Division,
Sub Record Office, Quilon.
2. Senior Superintendent,
R.M.S. TV Division,
Trivandrum-695 033.
3. Chief Postmaster General,
Kerala Circle, Trivandrum.
4. Union of India, represented by
its Secretary, Department of
Posts, New Delhi.
5. V. Sasidharan, Sub Record
Officer, RMS TV Division,
Sub Record Office, Quilon.

Respondents

(By Advocate Shri M.R. Suresh, ACGSC)

(The application having been heard on 31st January 2000,
the Tribunal on the same day delivered the following:)

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

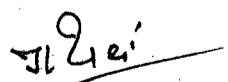
The applicant a Lower Selection Grade Sorting Assistant of R.M.S. working at Sub Record Office, Quilon, is aggrieved by the impugned order dated 24.1.2000 (A4), by which he has been shifted to night unit. It is alleged in the application that the applicant is suffering from heart disease for the last five years that he had made a representation on

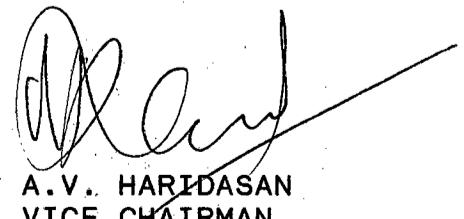
22.11.1999 to the 2nd respondent requesting that he may not be assigned night duty as he has been advised to avoid night duty and that inconsiderate of that at the behest of the 5th respondent who is enimical to the applicant, the second respondent has passed the impugned order assigning the night duty to the applicant. The applicant seeks to have the impugned order set aside declaring that the order is arbitrary illegal and without jurisdiction and for necessary directions.

2. When the O.A. came up for hearing Mr. M.R. Suresh learned counsel for the resondents submitted that the application may be disposed of permitting the applicant to make a representation to the 3rd respondent and with a direction to him to consider the representation and give appropriate orders within a time stipulated by the Tribunal. Learned counsel agree that till a decision is taken by the respondents the impugned order to the extent it affects the applicant can be kept in abeyance.

3. In the result, the application is disposed of permitting the applicant to make a representation to the 3rd respondent against shifting him from day to night unit with supporting documents within a period of ten days from today and direct the 3rd respondent that if such a representatin is received the same shall be considered sympathetically taking into account the age and health condition of the applicant also and an appropriate reply be given to him as early as possible, keeping the operation of the impugned order to the extent it applies to the applicant in abeyance till a reply is given to him.

Dated the 31st January 2000.


J.L. NEGI
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN