

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 344/89
XXXXXX

199

DATE OF DECISION 16-4-1990

K Murugan

Applicant (s)

Mr M Giriavallabhan

Advocate for the Applicant (s)

Versus

Union of India & 2 others Respondent (s)

Mr C Kochunni Nair, ACGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

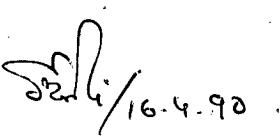
(Shri SP Mukerji, Vice Chairman)

The applicant has been working as E.D.M.M. at the Shornur Rest House since 15.6.1982. The Post & Telegraphs Department in their order dated 7.9.1988 at Annexure-8 decided that the posts in the Rest Houses would be part-time and the E.D.M.M.S. working on a full-time basis in the Rest Houses would be absorbed in full-time vacancies of E.D.M.M.S. & for which option was invited in R.M.S. offices. Accordingly, the applicant before us opted on 8.9.1989 at Annexure-C to be retained at Rest House, Shornur or in ^{the} alternative to absorb him in R.M.S., Calicut Division. His grievance is that instead of retaining him in the Rest House, Shornur or in R.M.S. office Calicut

Division, the respondents have reverted him as part-time
at Shornur
Attendant. His contention is that his reversion from a
full-time to a part-time post without giving him an oppor-
tunity to defend his rights and without indicating the
reasons for his reversion and without any finding that the
applicant is unfit to hold E.D.Attendant's post is bad in
law. The respondents have stated that there is no full-time
post of E.D.M.M. at Shornur.

2. We have heard the learned counsel for both the
parties and gone through the documents. The learned counsel
for the applicant vehemently argued that the applicant has
put in about 30 years of service as part-time and then a
full-time E.D.M.M. and in the evening of his life to revert
with permanent damage to his pension
him for no fault of his, is inhuman and unwarranted. In
the interest of justice and equity, we direct the respondents
to consider retaining the applicant as full-time E.D.M.M.
at Shornur and if that is absolutely impracticable, to
transfer him as full-time E.D.M.M. in the offices of R.M.S.
nearest Shornur including R.M.S., Calicut Division, where
there is a vacancy. Action on the above lines should be
completed within a period of three months from the date of
communication of this order.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(S.P.MUKERJI)
VICE CHAIRMAN

16-4-1990

trs