

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O.A. No. 344/89
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DATE OF DECISION 16-4-1990

K Murugan Applicant (s)

Mr M Girijavallabhan 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-B 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 options were 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 ^{the} in 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

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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 opportunity 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 him for no fault of his ^{with permanent damage to his pension} is inhuman and unwarranted. In ^{the} 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 ^{said to be} 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

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