

(P)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO.1522/1996
M.A. NO.1739/1996

New Delhi this the 11th day of September, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Shri Pamidighantam Prasad
S/O P. V. Padmanabha Rao,
working as Superintendent in
National Gallery of Modern Art,
residing at 1746, Laxmi Bai Nagar,
New Delhi-23. ... Applicant

(By Shri S. C. Luthra, Advocate)

-Versus-

1. Union of India through
Secretary, Department of
Culture, Ministry of Human
Resource Development,
Shastry Bhawan,
New Delhi.
2. The Director,
National Gallery of Modern Art,
India Gate,
New Delhi-110003.
3. Shri Zile Singh,
U.D.C. in the office of the
Director, National Gallery of
Modern Art,
New Delhi-3. ... Respondents

(By Shri E. X. Joseph, Senior Counsel)

The application having been heard on 11.9.1996
the Tribunal on the same day delivered the
following :

O R D E R

CHETTUR SANKARAN NAIR (J), CHAIRMAN —

Applicant challenges Annexure-A order dated
21.8.1995 made by a review Departmental Promotion
Committee (DPC, for short) reverting applicant from
the post of Superintendent to the post of Accountant
with effect from 3.8.1995. Learned counsel for

applicant challenges this order on the grounds that an order of reversion cannot be passed retrospectively, that the review DPC has no jurisdiction, and that one of the members of the review DPC, Shri Prabhakar, could not have sat on the DPC. In answer, learned standing counsel for respondents would submit that the order of reversion will only be prospective and not retrospective. Even so, the remaining contentions require consideration. We find that applicant has made A-9 representation and that it is pending consideration before respondent No.1. Respondent No.1 will consider A-9 representation with specific reference to the jurisdiction of the review DPC and the competency of Shri Prabhakar. A speaking order will be passed on the representation within three months from today and communicated to applicant.

2. Application is allowed to the extent indicated hereinbefore. No costs.

Dated, the 11th September, 1996.

R. K. Ahuja
(R. K. Ahuja)
Member (A)

Chettur Sankaran Nair
(Chettur Sankaran Nair, J.)
Chairman

/as/