

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1773
T.A. No.

1989.

DATE OF DECISION -1-

Shri M.L.Girdhar Applicant (s)

P.T.S. Murthy, Advocate for the Applicant (s)

Versus
Union of India & Ors. Respondent (s)

None. Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. Kaushal Kumar, Vice Chairman (Admn.)

The Hon'ble Mr. T.S. Oberoi, 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 (ORAL)

(Judgement of the Bench delivered by Hon'ble
Shri Kaushal Kumar, Vice Chairman (Admn.).

In this application the applicant has challenged his reversion from the Grade of Photo-Supervisor (Group 'C' non-gazetted) to the grade of Photo Artist (Group 'C' non-gazetted) vide order dated 26th May, 1988 filed as Annexure -1 to the application. The impugned order reads as follows:

"Consequent to revision of panels for appointment to the posts of Photo Supervisor and Photo Artist, published vide No.73311/80/CAO/P-2 dated 3.8.84, as a result of judgement dated 12.11.1987 of the Hon'ble Central Administrative Tribunal, Principal Bench, New Delhi in OA No.194/1986 - Shri B. Kumar Versus Union of India & Others, Shri M.L.Girdhar (D.O. B. 8.4.47), AFFPD is reverted from the grade of Photo Supervisor (Group 'C' Non-gazetted) to the grade of Photo Artist (Group 'C' Non-gazetted) with immediate effect.

These orders take effect from the date of issued of this note."

As is evident from the above order, the reversion of the applicant is a direct consequence of the implementation of the judgement of

Sh. Kaushal

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this Tribunal in B. Kumar Vs. Union of India & Ors., A.T.R. 1988(1) C.A.T. 1, to which one of us (Shri Kaushal Kumar) was a party. The operative part of the judgement in B. Kumar's case reads as follows:

"In view of the above discussion, the application is party allowed with the direction that the seniority of the applicant shall be fixed in the grade of Assistant Photographer, on the basis of his initial appointment as Developer with effect from 24th December, 1971 and Review D.P.C.(s) shall meet for considering his case in accordance with the rules for promotion to the higher posts of Photographer, Photo Artist and Photo Supervisor from the dates his juniors as per the revised seniority were so promoted and he shall also be entitled to arrears of pay and allowances in the respective posts from the dates of his promotions to those posts. This order shall be complied with within a period of two months."

2. The applicant in the present OA was one of the respondents in B. Kumar's case. The learned counsel for the applicant states that the applicant was reverted as a result of the recommendations by the Review D.P.C. since he was placed at No.2 after Shri B. Kumar, applicant in the OA-194/86. It so happened that Shri B. Kumar passed away after a period of nine month roughly and the applicant had again been promoted in the vacancy caused by the demise of Shri B. Kumar. The grievance of the applicant is that for a period of nine months between his reversion and repromotion consequent on the demise of Shri B. Kumar, his pay has been reduced and he has been put in a lower grade for which no prior notice was given to him. He was also not given any notice before reversion and that the said reversion is in violation of Article 311(2) of the Constitution.

3. We have carefully considered the contentions of the learned counsel for the applicant but find no merit in the same since the reversion in the present case was a direct consequence of the implementation of the judgement of this Tribunal in B. Kumar's case where the applicant was

Sh. Kaushal Kumar

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respondent. So long as the judgement in B. Kumar's case holds the field, the applicant has no case and the present application is dismissed at the admission stage itself.

Signature
(T.S. Oberoi)
Member (Judl.)

Signature
8/9/89
(Kaushal Kumar)
Vice Chairman