

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.1133/97

Hon'ble Sh. R.K. Ahooja, Member (A)

New Delhi, this the 5th day of February, 1998

(6)

Sh.Ashwani Kumar  
S/o.Late Sh.Baldev Behari  
E-1-A, Guru Nanak Pura,  
Jail Road, Tilak Nagar,  
New Delhi.

APPLICANT

(By Sh.K.K. Rohtagi, Advocate)

Versus

1. Govt. of National Capital Region of Delhi  
through the Chief Secretary,  
No.5, Shyam Nath Marg,  
Delhi.
2. Directorate of Health Services  
(Service through its Director)  
E-6, Saraswati Bhawan,  
Connaught Place,  
New Delhi.
3. Deputy Director, Officer In Charge (SHS)  
DHS, Govt. of Delhi,  
Karkardoom Health Clinic Building,  
Delhi-110092.

(By Sh.Rajinder Pandita, Advocate)

O R D E R (Oral)

The applicant a UDC was so appointed w.e.f., 18.4.79 in the pay scale of Rs.330-380-EB-15-560, which was subsequently revised to Rs.1200-1560-EB-40-2040. He submits that he was allowed to cross the Efficiency Bar (EB) in the pre-revised scale vide DHS letter dated 27.2.89 Annexure-II. On crossing the EB in the old scale his pay was re-fixed in the revised pay scale at Rs.1350/- w.e.f., 1.1.86 with retrospective effect. His grievance is that after he reached the stage of Rs.1560/- in 1991, he has been asked to clear the EB a second time in the post of UDC.

Oru

2. The respondents in reply have stated that the orders regarding the crossing of EB by the applicant have been passed on 21.9.97 vide office order No.513 Annexure-A to the respondent's reply. As per this order he has been allowed to cross the EB w.e.f., 1.4.93 in the scale of Rs.1560/- raising his pay to Rs.1600/- with his next increment due on 1.4.94. In view of this position, the respondents say that the applicant has now no cause of action.

(7)

3. I have heard the counsel. It would appear that the main grievance of the applicant was that due to the ~~Efficiency Bar~~ requirement of crossing the EB Bar in the revised pay scale his increments had been held up at the level of Rs.1560/-. The learned counsel for the applicant draws my attention to the letter written by his superior officer to the Chief Medical Officer School Health Scheme dated 21.6.95 Annexure-I to the O.A which would indicate that the consideration of the case of the applicant was held up for want of certain ACRs. Apparently, this problem has been resolved by the respondents leading to the issue of the order dated 21.9.97 whereby the applicant has been allowed to cross the EB. The office order dated 6.3.89 Annexure-B to the reply indicates that the pay of the applicant in the revised pay scale after he had been allowed to cross the EB in the pre-revised scale was fixed at Rs.1350/- w.e.f., 1.1.86 with second increment at Rs.1440/- w.e.f., 1.4.88. In terms of the rate of increment provided in the revised pay scale it would appear that the applicant has now been allowed to cross his EB in the normal course at the appropriate stage. Therefore he has not suffered in the end analysis. As rightly mentioned by learned counsel for the applicant, there has been some delay on the part of the respondents. However, considering that the applicant has already been allowed to cross the EB at the appropriate stage in the revised pay scale, I do not consider it

necessary to go into the question whether an employee should be asked to cross the EB a second time when his pay scale is revised. Since, the main relief sought for by the applicant has already been granted by the respondents themselves, I consider that there is nothing further to be done in this matter. Accordingly, this O.A is disposed as infructuous. No costs.

*R.K. Ahuja*  
(R.K. AHOOJA)  
MEMBER (A)

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