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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1102 of 2000

New Delhi, this the 2<sup>nd</sup> day of May, 2001.

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Shri Devi Dayal Sharma, TGT (SS)  
Govt. Boys Senior Secondary School No.1,  
Ghonda,  
Delhi-53. ....Applicant

By Advocate Shri O.P. Khalishram.

Versus

1. The Chief Secretary,  
Govt. of NCT of Delhi,  
Old Secretariat,  
Delhi-110 006.
2. Director of Education,  
Directorate of Education,  
Govt. of NCT of Delhi,  
Old Secretariat,  
Delhi-110 006.
3. The Dy. Director of Education,  
District North East,  
Govt. of NCT of Delhi,  
'B' Block, Yamuna Vihar,  
Delhi-110 053. ..Respondents

By Advocate Mrs. Meera Chhibber.

O R D E R

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant in this case is aggrieved of the fact that there is delay on the part of the respondents for clearing the Efficiency Bar (hereinafter referred to as EB) in his case which amounts to denial of EB which was held in abeyance due to non-finalisation of the LTC case settled on 1.12.1997. Applicant is also stated to have approached the court earlier when a direction was given to the respondents with regard to the crossing of the EB and the court had directed to dispose of the representation of the applicant but the respondents have disposed of the appeal vide order dated 5.1.1998 and the

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representation dated 11/12-1-98 vide memo dated 23.3.2000 but still the respondents have not taken any action for crossing the EB despite the directions of the Tribunal.

2. The case of the applicant is that he was due to cross the EB at the stage of Rs.2750/- in the pay scale of Rs.1640-2900 while serving in the capacity of TGT (SS) w.e.f. 1.1.1993 which was not cleared. Aggrieved from this, the applicant had filed OA 2028/95. A copy of the order was enclosed in OA 701/98 which and marked as Annexure A-4.

3. The applicant further alleges that the delay took place in clearance of EB because a claim of the applicant with regard to the LTC was pending but the same was decided vide Annexure A-I. The Deputy Director (Education) had initiated the case for vigilance clearance but still the department has not cleared the EB so it is stated that there is denial and delay in payment of dues on account of crossing of EB and as such the respondents be directed to accord sanction for crossing of EB at the scale of Rs.2750/- w.e.f. 1.1.1993 and also that the respondents be directed to pay arrears with interest.

4. Respondents are contesting the OA. According to the respondents the applicant was facing a departmental enquiry for submission of fake claim of LTC which finally culminated in the imposition of censure on the applicant against which the applicant preferred an

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appeal which was rejected and applicant is again facing a departmental enquiry for misuse of official stamp and putting forged signatures on certain documents of transfer of property in the form of attestation in r/o Shri D.D. Sharma as reported by Shri Sh. Sushil Kumar Jain V.P. G.B. SSS New Seelampur vide his letter dated 11.6.97 and again enquiry was initiated against him for misuse of official stamp and putting forged signature on certain documents. Even an FIR was lodged and the matter is pending in the Anti Corruption Branch for disposal as such the applicant deserves no sympathy and is not entitled for crossing of EB.

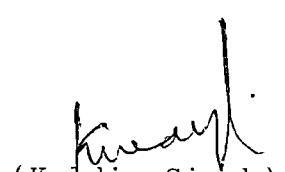
5. It is further stated that the applicant has caused loss to the Government amounting to Rs.4,38,646/- and the same is pending investigation by the Anti Corruption Branch.

6. In his rejoinder the applicant has stated that Shri Sushil Kumar Jain, Vice Principal has lodged false allegations because the applicant has filed the complaint against him about the 14 admissions made by him so it is stated that he has made this complaint mala fide. However, it is again submitted that he was put under suspension on 14.2.1998. It is also admitted that an FIR was lodged against him.

7. I have heard the learned counsel for the parties and have gone through the record of the case.



8. In view of the facts that the applicant is still facing charges of corruption and has caused loss to the Government property and he had been placed under suspension on that account, so I do not find any valid reason to interfere in this case. OA is accordingly dismissed. No costs.

  
(Kuldip Singh)  
Member (A)

Rakesh