

CENTRAL ADMINISTRATIVE TRIBUNAL; PRINCIPAL BENCH
NEW DELHI

13

O.A. NO. 895/1987

DECIDED ON : 30.7.1991

S. C. Jain

... APPLICANT

VS.

Union of India & Others

... RESPONDENTS

For the applicant

... NONE

For the respondents

... SHRI M.L. VERMA

CORAM : HON'BLE MR. JUSTICE U. C. SRIVASTAVA, J.C.

HON'BLE MR. I. P. GUPTA, MEMBER (A)

.....

J U D G M E N T (ORAL)

Hon'ble Mr. I. P. Gupta, Member (A) :

In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant has requested for the relief that he should be treated as having crossed his E.B. with effect from 1.1.1978 and again with effect from 1.1.1983. He has also prayed for fixation of his pay and also for issuance of direction to the respondents to pay the arrears. The applicant has further prayed that the adverse remarks for the year 1975-76 should not be taken into account.

2. In the counter reply the respondents have stated that it is correct that the applicant had submitted his representation dated 23.10.1976 for expunction of adverse remarks. His representation was considered by the competent authority and was rejected. The E.B. which was due from 1.1.1978 was considered by the competent authority in March, 1978 and the competent authority, because of its dissatisfaction with the performance of the applicant, decided that the case may be considered after seeing

the C.R. for the year 1977-78. The applicant was also informed of this fact vide letter dated 10.4.1978. After receiving the A.C.R. for the year 1977-78 on 1.1.1979, case of the applicant was again placed before the E.B. Committee in January, 1979. The Committee did not consider the applicant as fit to cross the E.B. w.e.f. 1.1.1978 and the decision was accordingly communicated to him on 25.1.1979.


3. Since the representation against the adverse remarks was finally rejected on 15.3.1978, the representation remained of no value thereafter. The case of the applicant had remained under review at regular intervals of one year as provided under rules and the applicant was informed of the decision every now and then.


4. The respondents have also stated that only acceptable and recognised criteria for crossing E.B. is -

- (i) to pass the departmental examination, and
- (ii) good records of service.

5. Since the applicant had cleared the departmental examination in 1975, the recommendations of E.B. Committee were based on record of service of the applicant. As mentioned earlier the records were reviewed from time to time and the applicant was kept informed. The Committee found him fit to cross the E.B. w.e.f. 1.1.1980 and the decision was communicated to him in June, 1980. The case was considered in 1978, reviewed in 1979 and again in December, 1980. Thus the applicant was not considered fit for crossing the E.B. on 1.1.1978. As regards adverse remarks in A.C.R.s also the matter was duly considered and the application was rejected.

6. In view of the above, the application is dismissed. There is no order as to costs.


(I. P. Gupta)
Member (A)


(U. C. Srivastava)
Vice Chairman (J)