

6

In the Central Administrative Tribunal
Principal Bench: New Delhi

OA No.1136/87

Date of decision: 28.01.1993.

Shri Chanda

...Petitioner

Versus

Union of India through Secretary,
Ministry of Telecommunication,
Dak Tar Bhawan, New Delhi & Others

...Respondents

Coram:-

The Hon'ble Mr. Justice V.S. Malimath, Chairman
The Hon'ble Mr. I.K. Rasgotra, Member (A)

For the petitioner

Shri Umesh Mishra, Counsel.

For the respondents

Shri A.K. Sikri, Counsel.


Judgement(Oral)
(Hon'ble Mr. Justice V.S. Malimath, Chairman)

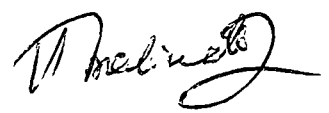
The grievance of the petitioner, who is a member of scheduled caste, is about the adverse entries made against him in the confidential reports and the denial of the crossing of the efficiency bar and consequential benefits.

2. The adverse entries were duly communicated to the petitioner and he was given an opportunity of making representation. The petitioner made representations and they were duly considered. There is, therefore, no good reason for us to interfere with the adverse entries challenged in this case.

3. So far as the crossing of the efficiency bar is concerned, the stand taken in the reply is that the same was not on account of the adverse entries in the confidential reports but on account of the fact that the petitioner had not qualified by passing the prescribed typing test. During

the course of the arguments, Shri Umesh Mishra, learned counsel for the petitioner placed for our perusal communication No. 203/30/78/STN dated 28.5.1980 issued by Assistant Director General (STN), Office of the Director General Posts & Telegraphs which speaks of Liberalisation of concession/facilities etc, in passing type test to the departmentally promoted L.D.C. It is stated that the official would be exempted from typing test with effect from the date on which he fulfils both the conditions viz. i) on completing 5 years of service and ii) on making two genuine attempts. The learned counsel for the petitioner urged on the strength of this order that his case for crossing the efficiency bar deserves consideration. But having regard to the fact that no such plea was taken in the petition and no averments are made to attract the aforesaid communication and having regard to the fact that the petitioner belongs to the scheduled caste, we consider it just and proper to direct the respondents that if the petitioner makes a representation within 2 weeks from this date, giving all relevant information in regard to crossing of efficiency bar, the same may be considered by the respondents with utmost sympathy. We express no opinion on the question of either applicability or the satisfaction of the conditions. That is left open to be examined by the authority concerned. With these observations this O.A. stands disposed of. No costs.


(I.K. RASGOTRA)
MEMBER(A)


(V.S. MALIMATH)
CHAIRMAN

'San'
280193