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Central Administrative Tribunal
Principal Bench, Delhi.
.....

O.A.No.2042/90

Date: 18.5.1992.

S.C. Saxena

...

Petitioner

None

...

For the petitioner

Versus

Union of India

...

Respondent

Shri M.L.Verma

...

Counsel for the respondent

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN

J U D G M E N T (ORAL)

None appears for the petitioner. The petition, the reply and the documents were perused and Shri M.L. Verma, learned counsel for the respondents, was heard.

2. The petitioner claims crossing of Efficiency Bar w.e.f. 1-1-1985 in the scale of Rs.650-1200. The stand taken by the respondents is that the petitioner is not entitled to cross the Efficiency Bar w.e.f. that date as he had not earned eligibility for crossing the Efficiency Bar as on that date he had not passed the prescribed departmental examination. The petitioner had not passed the prescribed departmental examination on 1.1.85 is not disputed. He passed the prescribed departmental examination only on 15th of January, 1988.

The respondents are right in taking the stand that


✓consequent upon the passing of the departmental examination

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on 15.1.1988, the petitioner cannot claim retrospective crossing of the Efficiency Bar w.e.f. 1.1.1985 as on that date, he did not possess the required eligibility for crossing the Efficiency Bar.

3. The petitioner opted for the revised scale of pay consequent upon coming into force the Fourth Pay Commission's Report. The respondents have rightly taken the stand that once the petitioner got fixed in the revised scale w.e.f. 1.1.1986, he has to work out his rights in regard to crossing of the Efficiency Bar in accordance with the new scale which became applicable to him, namely, Rs.2000-3500, w.e.f. 1.1.1986. The petitioner having opted in favour of the revised scale, the authorities considered the petitioner for crossing the Efficiency Bar as and when he became due in the new revised scale.

I, therefore, see no good reason to find fault in the action taken by the respondents. Hence, this petition fails and dismissed. No costs.



(V.S. MALIMATH)
CHAIRMAN.

pkk