

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A.2476/9

Date of decision: 31.3.92

Sh.B.S.Jolly

.. Applicant.

Versus

Union of India & another

.. Respondents.

Sh.K.L.Bhatia

.. Counsel for the applicant.

Sh.M.L.Verma

.. counsel for the respondents.

JUDGEMENT
(Delivered by Hon'ble Sh.S.P.Mukerji, V.C.(A))

We have heard the arguments of both the parties on this application in which the applicant is aggrieved by the fact that he was not allowed to cross efficiency bar which fell on 1.10.84. It is admitted that on 1.10.84 there was no vigilance case or disciplinary proceedings pending against the applicant. Since the applicant was on deputation and the annual reports were not available, the Efficiency Bar Committee could not meet in time. It finally met in January, 1991. In the meantime it appears that the applicant had been served with a chargesheet in 1988. Presuming that the chargesheet of 1988 is relevant for the crossing of efficiency bar in 1984, Efficiency Bar Committee, after considering the character roll of the applicant for five years prior to 1984, placed the assessment in a sealed cover. The sealed cover has not yet been opened and disciplinary proceedings are still continuing. The learned counsel for the respondents, Sh.M.L.Verma was good enough to show us the relevant documents supporting what has been stated above.

2. It is now established law that the sealed cover procedure is to be followed ^{only} when disciplinary proceedings are pending. Since admittedly on 1.10.84 when the applicant was to cross the efficiency bar, no such disciplinary ^{or other} proceedings were pending, irrespective

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of when the Efficiency Bar Committee meets, the sealed cover procedure could not be applied in the applicant's case.

for the E.B. on 1. X. 84

3. In the conspectus of the facts and circumstances, I allow the application to the extent of directing the respondents to open the sealed cover and consider the applicant for crossing of the efficiency bar as on 1.10.84 on the basis of the assessment given by the Committee in the sealed cover. I make it clear that in considering the applicant's case as in 1984 no event subsequent to 1.10.84 should be taken into account. In case the applicant is found fit to cross efficiency bar on 1.10.84, he should be given all consequential benefits including arrears with 10% interest from the date of crossing of efficiency bar till the date of actual payment of arrears. No order as to costs.



(S.P. MUKERJI)

VICE CHAIRMAN(A)