

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
ALLAHABAD BENCH, ALLAHABAD.

....

Original Application No. 555 of 2001.

this the 11th day of May 2001.

HON'BLE MR. SKI NAQVI, J.M.

O.K. Tyagi, 18/A Tagore Town, Allahabad.

Applicant.

By Advocate : Sri V.N. Dhavelikar.

Versus.

Union of India through the Controller General of Accounts,  
Ministry of Finance, Department of Revenue, Lok Nayak  
Bhawan, Khan Market, New Delhi.

2. The Joint Secretary (Finance), Ministry of Urban  
Development, Nirman Bhawan, New Delhi.

3. The Chief Controller of Accounts, Ministry of  
Urban Development, Nirman Bhawan, New Delhi.

4. The Principal Chief Controller of Accounts, Central  
Board of Excise and Customs, New Delhi.

Respondents.

By Advocate : Sri Gyan Prakash.


ORDER ( ORAL )

When the applicant was not allowed to cross the Efficiency Bar ( E.B. in short) and his annual increment accrued on 1.11.93 was withheld, he approached this Tribunal through O.A. no. 317/94, which has been decided on 25.11.94 with the direction to the respondents to hold a review DPC to consider the case of the applicant for considering the EB w.e.f. 1.11.90 within a period of three months. This order was duly communicated to the respondents and a review DPC is stated to have been held on 19.1.95 and a decision was taken that the applicant was not fit to cross the E.B. w.e.f. 1.11.90. As per Annexure A-6 to the O.A., a letter dated 27.1.95 was sent to the Registrar, C.A.T.,

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Allahabad informing the compliance of the Tribunal's order as per the directions in the referred O.A. and there is an endorsement that the copy of the same was also sent to the applicant. The applicant has <sup>mentioned</sup> ~~a case~~ that he did not receive <sup>any communication</sup> ~~anything~~ from the side of the respondents. He made a request as per the application dated 24.4.2000 to communicate him regarding the action taken in compliance of the Tribunal's order to hold a review DPC. The respondents replied vide Annexure-7 dated 12.10.2000 that a review DPC was held on 19.1.95 and the applicant was found unfit to cross the E.B. The applicant has again come-up before this Tribunal impugning the letter dated 10.12.99 through which he has been communicated with the decision of review DPC and also the letter dated 12.10.2000 to the same effect.

2. Keeping in view the facts and circumstances of the matter and also the arguments advanced from the side of the applicant as well as the respondents, it is found that the applicant's claim is not only devoid of — merit because no good ground has been shown to set-aside or quash the impugned order, <sup>it</sup> It is also grossly barred by limitation because the cause of action, if any, accrued, ~~that was~~ in the year 1995 when the decision taken by the review DPC was communicated to the applicant as per the endorsement in the letter dated 27.1.95, a copy has been annexed as Annexure-6 to the O.A. I also find force in the contention of the learned counsel for the respondents that no cause of action accrues within the jurisdiction of this Tribunal and the matter is not cognizable here because neither the E.B. was withheld when the applicant was posted at any place within the jurisdiction of this Tribunal, nor the review DPC took-place within the jurisdiction of this Tribunal. It is also pointed-out that the applicant is presently posted at Patna.



3. For the above, the O.A. is dismissed in limine.  
No order as to costs.

*See anagui*

MEMBER (J)

GIRISH/-