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RESERVED.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD.

Registration (O.A.) No. 607 of 1986.

Bhanuja Sharan Srivastava	Applicant.
	Versus	
Union of India & others	Respondents.

Hon'ble Ajay Johri, A.M.
Hon'ble G.S. Sharma, J.M.

(Delivered by Hon. Ajay Johri, A.M.)

This is an application received under Section 19 of the Administrative Tribunals Act XIII of 1985.

2. The brief facts of the case, according to the applicant, Bhanuja Sharan Srivastava, is that he is working as a Wireman in the office of the Assistant Engineer Electrical at Varanasi in the Postal Department. He was appointed by D.E.E.(Phones) but the Junior Engineer assuming powers of the disciplinary authority issued a charge-sheet to him on 26.7.1983 alleging of some negligence in duty, damages to Government property and irregular attendance. In this case he was imposed a punishment of 'Censure', which was served on him on 3.9.1983. His appeal against the punishment was also rejected. He was thereafter not given any promotions. The applicant has, therefore, prayed that the order of punishment dated 2.9.1983 and the appellate order dated 11.12.1984 be quashed and the respondents be directed to permit the applicant to cross the Efficiency Bar and the increments that had been withheld since 1983 may be also released.

3. In their reply the respondents have said that the reliefs prayed for by the applicant, ^{are} which ^{is} barred by limitation as his appeal was decided in December, 1984, ^{6c 31} the application has to be dismissed as time barred. In regard to the facts of the case the respondents have said that the applicant was correctly punished and the Junior Engineer (JE) was empowered to impose the penalty in accordance with the Schedule of Powers given in the Post & Telegraph

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4. In regard to the contention raised in the reply to the application that the application is barred by limitation this matter was considered by this Tribunal on 9.3.1987 when it was decided to condone the delay in filing the application and the application was thus admitted.

5. We have heard the learned counsel for the parties. The only submission made before us by the learned counsel for the applicant was that after the imposition of the minor penalty of 'Censure' the applicant has not been given any increments or promotions or he has not even been allowed to cross the Efficiency Bar (EB) and he is stagnating in the original grade since 1983. Nothing else was pressed before us.

6. The Department of Personnel in their O.M. No.21/5/70 Estt.(A), dated 15.5.1971 have clarified that 'Censure' cannot be a bar to the eligibility to sit for a departmental promotional examination or for promotion. An order of 'Censure' is a formal and public act intended to convey that the person concerned has been guilty of some blameworthy act or omission for which it was found necessary to award him a formal punishment. Therefore, censure is normally given only in such cases where it is intended that a formal punishment be imposed for good and sufficient reason after following the prescribed procedure. Since 'Censure' does not bar promotion, it cannot also result in stoppage of increment or withholding EB.

7. The applicant's prayer regarding quashing of the order of punishment because JE was not empowered to impose the punishment is not supported by the rules. We do not find that the power was incorrectly exercised by JE. Therefore, we reject the prayer made by the applicant for quashing the punishment order as well as the appellate order. We, however, direct that the respondents should consider the case of the applicant in regard to his crossing EB, ~~and considering him for further promotion and allowing him his~~

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due increments, as prayed by him in his application. This may be done within four months of the issue of these orders.

8. The application is disposed of in the above terms with no order as to costs.

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MEMBER (J).

शुभम शर्मा
MEMBER (A).

Dated: July 26, 1988.

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