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21-11-90

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

.....  
Registration No. T.A. 533 of 1987  
(C.A. No. 23 of 1981)

Union of India ... Defendant-Appellant  
versus  
R.C. Chaturvedi ... Plaintiff-Respondent

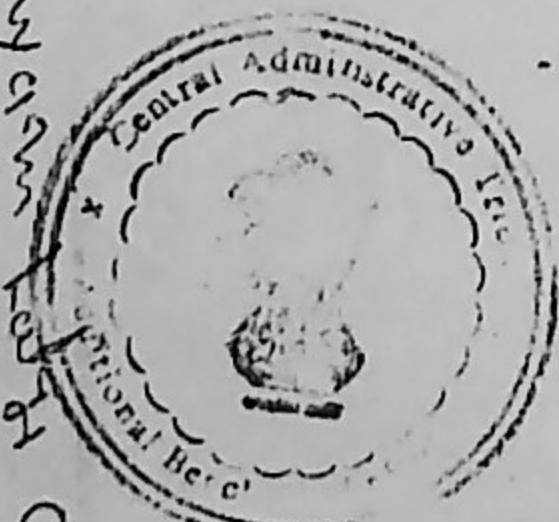
Hon' Mr D.K. Agrawal, J.M.

Hon' Mr K. Obayya, A.M.

(By Hon' Mr D.K. Agrawal, J.M.)

Civil Appeal No. 23/81 preferred in the  
Court of District Judge, Mathura against the  
order and judgment dated 29-11-80 passed in  
Original Suit No. 223 of 1978, has been received  
on transfer under section 29 of the Administrative  
Tribunals' Act, 1985 and registered as T.A. No.  
533 of 1987 as indicated above.

2. The plaintiff-respondent who was employed  
in All India Radio as Engineering Assistant was  
working at Mathura in 1975. On 1-5-1975 he was  
to draw an increment on crossing the Efficiency Bar.  
But, he was not allowed to cross the Efficiency  
Bar and his representations to the authorities  
in this regard proved to be of no avail. Aggrieved,  
he filed a suit in the Court of learned Munsif



Mathura. The suit was decreed in his favour and it was also ordered that an amount of Rs.199.50 be paid to the plaintiff-respondent towards the arrear of increments.

3. The defendant-appellant preferred this appeal against the orders of the learned Munsif on the ground that the plaintiff-respondent was not allowed to cross Efficiency Bar for valid reasons. His Confidential Reports for the year, 1974 - 75 were found to be un-satisfactory and that there was also a criminal case against the plaintiff-respondent under sections 323 and 353 of I.P.C. for assault <sup>on</sup> a public servant in the Office resulting in causing head injuries to the Station Engineer, All India Radio, Mathura. The criminal case, however, ended in discharge of the plaintiff-respondent for want of adequate evidence. It is contended by the defendant-appellant there were good and sufficient reasons for with-holding Efficiency Bar. It would appear that subsequently the services of the plaintiff-respondent were terminated w.e.f. 20-8-1976.

We have heard the counsel for the parties and perused the record. The Annual Confidential Reports of the Plaintiff-Respondent for the years 1974-75 are very unsatisfactory, and these



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adverse entries were also communicated to the plaintiff-respondent. It is also noticed that he was issued several memos regarding un-satisfactory work and he was also warned to be careful and discharge his duties with the sense of responsibility. Taking the facts and circumstances of the case, we are of the view that the learned Munsif erred in arriving at the decision that the plaintiff-respondent was entitled for crossing the Efficiency Bar and decreed that an amount of Rs.199-50 may be paid to him. We are of the view that the appeal has merit and that the crossing of Efficiency Bar on 1-7-75 was withheld for good and sufficient reasons. The appeal is allowed and the order and decree passed by the learned Munsif in O.S. No. 223 of 1978 is set aside. Parties to bear their costs.



TRUE  
COPY

sh MEMBER (A9)

sh MEMBER (J)

(sns)

September 18, 1990.

(SHARAD KUMAR)  
SECTION OFFICER  
Central Administrative Tribunal  
Allahabad.

post on  
5/10/90  
GD