

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

(1)

Original Application No. 576 of 1988

~~Prakash~~ Krishna Kumar Srivastava :::::: Applicants
and Others

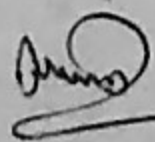
Versus

Union of India :::::: Respondents
and Others

Hon'ble Mr. Maharaj Din, Member(J)

The applicant has preferred this application seeking the relief to set aside the order dated 15.10.1986 passed by the respondents withholding the efficiency bar w.e.f 15.10.1986 and further respondents be directed to permit the applicant to cross efficiency bar. It is also prayed that the respondents be directed to pay arrears of pay and other benefits w.e.f. 01.1.1981, the date on which the applicant was entitle to cross efficiency bar.

2. The applicant was employed as Income-Tax Inspector and having passed the departmental examination he was due to be promoted as Income-Tax Officer Group 'B' in the year 1980. The applicant was to cross efficiency bar while posted as Income Tax Inspector in the scale of Rs.500-900/- on attaining the pay scale of Rs.700/- w.e.f. 01.1.1981. Since the applicant was involve in the departmental proceedings and penalty of Censur was imposed on him, therefore, he was not allowed to cross efficiency bar and he was also not

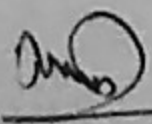


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promoted to the higher rank on the post of Income-Tax Officer Group 'B'. Hence he has approached this Tribunal seeking the relief mentioned as above.

3. I have heard the learned counsel for the parties and perused the record.

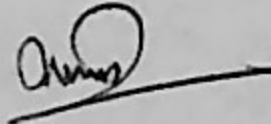
4. From the rival contention of the parties, it is clear that the penalty of Censure was imposed on the applicant and he was not allowed to cross efficiency bar on attaining the pay scale of Rs.700/- w.e.f 1.1.81. The applicant had preferred an appeal against the penalty imposed on him. The applicant is now dead and in his place his legal representative are arrayed as applicants in this case. After death of the applicant on 18.7.1988 a departmental committee was held on 05.6.91 and the case of the applicant was considered. Accordingly the departmental promotion committee met and allowed the applicant to cross efficiency bar at the stage of Rs.700/- w.e.f. 01.1.1981. The respondents in their Counter-~~reply~~^{to the appeal} have also undertaken that as regard the promotion of the applicant to the higher rank as Income-Tax Officer Group 'B' his case will be reviewed by the departmental promotion committee. Learned counsel for the applicant has said that the case of the applicant has not been reviewed as yet by the departmental promotion committee. The respondents moved a separate application dated 07.9.1993 asking for time to hold the departmental promotion committee. The four months time prayed for has already expired but, the case of the applicant has not been considered as yet.



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5. In view of the discussion made above, it is clear that so far as relief no.1 is concerned it is already ²been given to the applicant and as regards relief no.2, the respondents are directed to hold a departmental promotion committee to consider the case of promotion of the applicant and pay the consequential benefits incase he is found fit and ^{be} promoted as Income-Tax Officer Group 'B' within a period of four months from the date of communication of this order. There will be no order as to costs.



Member (J)

Allahabad, Dated 13th April, 1994

/M.M./