

CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

Original Application No. 113 of 1992

Date of Decision: 7.1.1993

Brundaban Mishra

**Applicant**

## Versus

Union of India & Others

### Respondents

For the applicant

M/s. Antaryami Rath,  
A.C. Rath,  
Advocates

### For the respondents

Mr. P. N. Mohapatra,  
Standing Counsel  
(Central)

C O R A M

THE HONOURABLE MR. K. P. ACHARYA, VICE-CHAIRMAN

1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ?
3. Whether His Lordship wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR.K.P.ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays to allow him to cross the Efficiency Bar in the pre-revised which which scale fell due on 1.8.1985 and to refix the pay of the petitioner in revised scale of pay as on 1.1.1986 and grant him all annual increments accordingly with effect from such date/dates and the arrear be paid to the petitioner.

2. Shortly stated the case of the petitioner is that he ~~has been~~ <sup>has</sup> been working as Superintendent (Group-B) in the Office of the Collector, Central Excise and Customs since 1.7.1980. The scale of pay attached to the post was Rs.650-30-740-35-810-EB-35-880-40-1000-EB-40-12000/-. After 1.1.1986, the pay was revised and the pay scale was Rs.2000/- to Rs.3500/- with an efficiency bar after reaching pay of Rs.2300/-. The petitioner was not given the benefit of crossing efficiency bar, which fell due on 1.8.1985 and hence this application with the aforesaid prayer.

3. In their counter the opposite parties maintain that just because a disciplinary proceeding was pending against the petitioner on 1.8.1985, his case for crossing of efficiency bar was not considered. After disposal of the disciplinary proceeding, the case of the petitioner for crossing of efficiency bar has been considered and vide order No. 33 dated 30.7.1992, the petitioner has been allowed to cross the efficiency bar with effect from 1.8.1985.

4. I have heard Mr. Antaryami Rath, learned counsel for the petitioner and Mr. P.N. Mohapatra, learned Standing Counsel.

5. Mr. Mohapatra very fairly placed before me Annexure-R/

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and the averments finding place in the counter, in view of the fact that the competent authority has allowed the petitioner to cross the efficiency bar with effect from 1.8.1985; there is no further order to be passed in this case. But, however, it is directed that arrear amoluments to which the petitioner is entitled, keeping in view the changed circumstances and the revised pay scale which has come into effect from 1.1.1986, be paid to the petitioner within 90 days from the date of receipt of a copy of the judgment. In case the arrear amolument has already been paid to the petitioner, this order becomes infructuous.

6. Thus the application is accordingly disposed of leaving the parties to bear their own cost.

*Leg. and D/s*  
7.1.93  
VICE-CHAIRMAN

Central Administrative Tribunal  
Cuttack Bench, Cuttack  
dated the 7th Jan/1993/ B.K.Sahoo

