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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 570 of 1992

Date of decision: February 22, 1993

R.C. Baboo ... Applicant
Versus
Union of India and Ors. ... Respondents.

For the Applicant ... Mr. D.P. Dhalsamant,
Advocate

For the Respondents ... Mr. Ashok Misra,
Senior Standing Counsel,
(Central).

CORAM:

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

1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No
3. Whether His Lordship wish to see the fair copy of the Judgment? Yes.

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J U D G M E N T

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K.P.ACHARYA,V.C.

In this application under section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the Opposite Parties to allow the Petitioner to cross the Efficiency Bar with effect from the date it was due.

2. Shortly stated the case of the petitioner is that he joined the Postal Department in May, 1957 and was given Lower Selection Grade since 1980. The petitioner was not allowed to cross the E.B. on 1.8.1991. Hence this application has been filed with the aforesaid prayer.

3. In their counter, the Opposite Parties maintained that the petitioner having been found to be not suitable, the authority did not allow the petitioner to cross the E.B. which is not an illegality committed by the competent authority and therefore, the order should be upheld.

4. I have heard Mr. D.P. Dhalsamant learned counsel for the Petitioner and Mr. Ashok Misra learned Senior Standing Counsel (Central) for the Opposite Parties. Mr. Dhalsamant learned counsel for the petitioner submitted that without least prejudice to the case put forward by the petitioner alleging totally non-consideration of his case, one would find that consideration if any took place six months after the due date which has caused serious prejudice to the petitioner. I do not find any merit in this argument because even if the consideration took place long

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after the due date yet if the officer is found to be suitable then he would get retrospective benefits. However, from Annexure R/2 i.e. the Minutes of the D.P.C. held on 17th March, 1992, the case of the Petitioner was considered alongwith others and the members of the DPC held that he was not suitable as he had bad record of service constantly. There being no allegation of mala fide or bias against any authority including the members of the DPC, I find no justifiable ground to reject the opinion of the members of the DPC. Therefore, in view of the aforesaid facts and circumstances, I find no merit in this application which stands dismissed leaving the parties to bear their own costs.

K. Mohanty
22.2.93
VICE CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack/22.2.1993/
K. Mohanty.

