

1/12

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

JODHPUR BENCH JODHPUR.

OA No.67/98

Date of Order : 19.4.2001

M.S. Kapoor son of Late S.S. Kapoor, aged about 57 years, resident of H.No. H1A/131, Anuchhaya Colony, PO, Bhabha Nagar, Rawatbhata, Distt. Chhitoregarh, at present employed on the post of Pharmacist in the office of RAPS Hospital, PO. Rawatbhata Distt. Chittoregarh.

...APPLICANT

V E R S U S

1. Union of India, through Secretary to Govt. of India, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai.
2. Deputy Secretary, Department of Atomic Energy, Anushakti Bhawan, CSM Marg, Mumbai.
3. Medical Superintendent, RAPS Hospital, Rawatbhata, Distt. Chittoregarh.

...RESPONDENTS



Mr. J.K. Kaushik , counsel for the applicant.

Mr. Vinit Mathur, counsel for the respondents No.1 &2

Mr. Arun Bhansali, counsel for the respondent No.3

CORAM

Hon'ble Mr. Justice B.S. Raikote, Vice Chairman.

Hon'ble Mr. A.P. Nagrath, Administrative Member.

ORDER

(as per Hon'ble A.P. Nagrath)

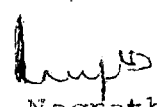
The applicant, while working as Pharmacist in scale of 1200-30-1440-E3-30-1800 was drawing pay of Rs. 1440/-

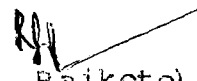
...2

and reached the stage of efficiency bar in 1992. His case for crossing EB was considered by the respondents every year starting from the year 1992 to 1996 as seen from Annexure-A/1 to A/4 and A/11, and every time he was not allowed to cross the efficiency bar. He has filed this application making a prayer for direction to the respondents to review his case for crossing the said EB by ignoring adverse entries and any other adverse material.

2. When the case was taken up for hearing at the stage of admission it transpired that with the introduction of 5th pay commission pay scales, the pay scale now granted to the applicant has no stage of efficiency bar. To this extent the grievance of crossing the efficiency bar after on 1.1.96 does not survive. Learned counsel for the applicant stated that the relief claimed is from the year 1992 and he submitted that not crossing the efficiency bar gave rise to a recurring cause of action. We are not inclined to accept this contention of the learned counsel. The cause of action arises ^{when} the final order is passed, which in this case is the date, the applicant was not allowed to cross the efficiency bar. Last such decision, prior to 1.1.96, was communicated on 14.10.95. This application has been filed in 1998 i.e. much beyond the period of one year as prescribed in sub-Section (1) (a) of Section 21 of the Administrative Tribunals Act, 1985. Thus, this application is barred by limitation and is liable to be dismissed on this ground alone.

3. We, therefore, dismiss this application as barred by limitation. No order as to costs.


(A.P. Nagrath)
Adm. Member


(B.S. Raikote)
Judl. Member



Received

In cell
24/4/2001

Part II and III destroyed
in my presence on 25-3-02
under the supervision of
section officer () as per
order dated 19/2/07

Section officer (Records)


R/copy

Mr
24/4/2001

Recd. copy
24/4/01