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CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA 362/05

Date of order : 5<sup>th</sup> September, 2005

C O R A M

Hon'ble Mr. Mantreshwar Jha, Member[A]  
Hon'ble Ms. Sadhna Srivastava, Member[J]

Shyama Kand Sahay ..... Applicant

Vrs.

Union of India & Ors. ..... Respondents

Counsel for the applicant : Shri S.N.Jha

Counsel for the respondents : Shri R.K.Choubey, ASC.

O R D E R

By Mantreshwar Jha, Member[A] :-

Heard Shri S.N.Jha, counsel for the applicant and Shri R.K.Choubey, counsel for the respondents.

2. In short, the case of the applicant is that he joined as UDC at Dhanbad in 1947 and retired as Assistant Commissioner of Income tax in 1983. However, he was not allowed to cross Efficiency Bar [ in short E.B. ] w.e.f. 18.8.1973. The limited prayer of the applicant in this case is that the respondents should be directed to consider his representation and set aside



the punishment with all consequential benefits for pension, gratuity and leave encashment etc. The copy of the representation has not been filed along with O.A. The applicant has only referred to Annexure-1, according to which D.C.I.T. [Vig.] in the office of CCIT, Patna sent a letter to the applicant that all relevant papers regarding his case has been sent to CBDT who is to take final decision in the matter and nothing is pending in his office.

3. The ld. counsel for the respondents, however, refers to para 4.5 onwards to show that his case for crossing EB has been repeatedly considered and the same has been rejected by the authorities concerned. In para 4.9, it is stated that since the applicant did not observe the instructions of the Board in ~~spite of~~ <sup>the</sup> assessment of 379 cases, after considering his representation neither adverse remarks were expunged nor the prayer of the representation has accepted.

4. The ld. counsel for the applicant, however, submits that even though the applicant has been retired, his case has not been properly considered and, therefore, this prayer.

5. After hearing the ld. counsel for the parties and perusal of the pleadings, we find that the case of the applicant has been rejected by the authorities concerned repeatedly and since the cause of action relates to the

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year 1983, no action is called for at this stage.

6. The O.A. is, accordingly, dismissed. No costs.

[Sadhna  Shrivastava ]M(J)

[ Mantreshwar Jha ]M(A) 

mps.