

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Dated : 26-8-87

APPLICATION NO 88 /86()

W.P. NO

Applicant

Shri A. Rasheed Khan

V/s

The GM, Telecommunication
Karnataka Circle & another

To

1. Shri A. Rasheed Khan
LIG 6, KHB Colony
Jawahar Nagar
Raichur
2. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 060

3. The General Manager
Telecommunication
Karnataka Circle
Bangalore - 560 009
4. The Telecom District Engineer
Karwar - 581 301
Uttara Kannada District
5. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Buildings
Bangalore - 560 001

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/
~~INTERIM ORDER~~ passed by this Tribunal in the above said
application on 14-8-87.

Encl : as above

B.V. Venkatesh
DEPUTY REGISTRAR
~~SECTION OFFICER~~
(JUDICIAL)

Reviewed
27/8/87
RECEIVED

Diary No. 10.67/KR/87

Date: 31/8/87

o/c
Received
on 31/8/87
1-9-87

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 14th DAY OF AUGUST, 1987

Present : Hon'ble Sri P.Srinivasan

Member (A)

Application No.88/87.

A.Rashood Khan,
C/o M.Raghavendra Achar,
No. 1074 and 1075,
Banashankari 1st Stage,
Sreenivasa Nagar, II Phase,
Bangalore.

...

Applicant.

(Sri M.Raghavendra Achar ... Advocate)

vs.

1. General Manager,
Telecommunication,
Karnataka Circle,
Bangalore - 9.

2. Telecom District Engineer,
Karwar - 581 301.

(Sri M.Vasudeva Rao ... Advocate)

Respondents.

This application has come up before the Tribunal today.

Hon'ble Sri P.Srinivasan, Member (A) made the following :

ORDER

In this application, the applicant who took voluntary retirement with effect from 1.6.1986 as Telephone Supervisor in the Telephones Department at Mudigere, Chikmagalur District, complains that the respondents wrongly stopped him at the Efficiency Bar which he was due to cross on 1.3.1983.

2. Sri M.R.Achar, learned counsel for the applicant, contends that no adverse remarks in the character roll were intimated to his client and so there was no justification for not letting him cross the Efficiency Bar till the date of his retirement. He also submitted that though disciplinary proceedings under rule 14 of the Central Civil Services (Classi-



P. Srinivasan

fication, Control and Appeal) Rules, 1965, were initiated against the applicant sometime in 1982, these proceedings did not result in any punishment. The proceedings were in respect of the period from 5.8.1981 to 5.8.1982 when the applicant absented himself from duty without authorisation. The authorities decided to treat this period as dies non and did not impose any penalty. Sri Achar points out that the applicant was allowed to draw special pay on 30.8.1983 under the time bound promotion scheme. According to Sri Achar, ~~that~~ any adverse inference that could be drawn from the treatment of the period as dies non was washed out by this promotion and should not therefore have been taken into account for the purpose of stepping him at the Efficiency Bar.

3. Sri M. Vasudeva Rao, on the other hand, contends that the character roll of the applicant prior to 1983 and even afterwards were unsatisfactory. The treatment of the period between 5.8.1981 and 5.8.82 as dies non was done on compassionate grounds and no punishment was imposed. The fact that the applicant remained absent for a whole year without authorisation had to be taken into account by the Departmental Promotion Committee considering the applicant's case for crossing the Efficiency Bar. In view of this, he contended, the applicant was not entitled to cross the Efficiency Bar.

4. Having considered the rival contentions, I am of the view that this application has to fail. I agree with Sri Achar to the extent that adverse remarks in his confidential reports not conveyed to the applicant could not form the basis for holding him up at the Efficiency Bar stage. However, as regards the applicant's absence without authorisation for one year, this surely was a factor to be taken into account.



P. J. - R

That it was absence without authorisation stands concluded with the treatment of the period as dis non. The fact that the applicant had been allowed to draw special pay under the time bound promotion scheme is another matter, because it was something which accrued to him by sheer efflux of time. On the other hand, crossing of Efficiency Bar had to be approved by a Departmental Promotion Committee (DPC) and if the DPC took into account the applicant's long absence from duty without authorisation and on that account found him unfit to cross the Efficiency Bar, I cannot find fault with that.

5. In the result the application is dismissed, with no order as to costs.




an.

Sd/-

MEMBER (A)

- True copy -


DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL 20/8
ADDITIONAL BENCH
BANGALORE