

(3)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

O.A. NO: 167/92

199

T.A. NO: ----

DATE OF DECISION 18-1-1993

Chintaman Tihalu Gurumukhi

Petitioner

Mr. V. B. Joshi

Advocate for the Petitioners

Versus

The Director General, GSI, Calcutta

Respondent

Mr. R. Darda

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. M. Y. Priolkar, Member(A)

The Hon'ble Mr. ----

1. Whether Reporters of local papers may be allowed to see the Judgement ? *Yes*
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgement ?
 4. Whether it needs to be circulated to other Benches of the Tribunal ?
- } *No*

mbm*

MD

[Signature]
(M. Y. PRIOLKAR)
M(A)

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
• CIRCUIT SITTING AT NAGPUR

O.A.167/92

Chintaman Tihalu Gurumukhi,
Driller,
Central Region,
Geological Survey of India,
Seminary Hills,
Nagpur - 440 006.

.. Applicant

-versus-

The Director General,
Geological Survey of India,
27, Jawaharlal Nehru Road,
Calcutta - 700 016.

.. Respondent

Coram: Hon'ble Mr.M.Y.Priolkar,
Member(A)

Appearances:

1. Mr.V.B.Joshi
Advocate for
Applicant.
2. Mr.Darda
Counsel for
Respondent.

ORAL JUDGMENT: Date:18-1-1993
{Per M.Y.Priolkar, Member(A)}

The applicant who is working as a Driller attached to the office of the Director(~~Drilling~~) Geological Survey of India, Central Region, Nagpur and was due to cross the Efficiency Bar w.e.f. 1-5-80. His grievance is that certain adverse remarks in his confidential reports for the period ending March'79 were communicated to him only on 8-1-1981. He submitted his representation against this remarks on 9-4-81 to which no reply has yet been received. However, his case for crossing the EB was placed before the DPC on 5-9-81 and it is stated in the written reply of the respondents that his case was not considered by the DPC on the ground that 'not permitted' as there are adverse remarks in his CRs. His case was

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again placed before the DPC on 19-2-82 but again he was not permitted to cross the EB on the ground as mentioned in 1981.

2. The above facts have not been disputed by the respondents. Admittedly in this case confidential report containing adverse remarks against which the representation was pending was considered by the DPC and crossing of the EB was not permitted. This has, therefore, caused prejudice to the applicant inasmuch as the DPC has gone by the adverse remarks against which the representation was pending. Q

3. It is well settled that in such cases the CRs against which representations are pending should not be placed before the DPC while considering the case of the employees for crossing of EB etc. I accordingly set aside the decision of the DPC which met on 5-9-81 and 19-2-82 in which the applicant had not been permitted to cross the EB and direct the respondent to hold a review DPC to consider the case of the applicant ^{as on the due dates} where the CR for 78-79, if the representation has not yet been disposed of, should not be placed for consideration by the DPC.

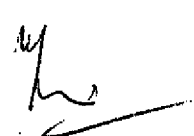
His case for crossing the EB should be considered ~~xx~~ after taking into account the relevant record except the CR for 78-79 as directed above. This may be done within a period of three months from the date of receipt of a copy

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of this order.

4. There will be no order as to costs.

MD


(M.Y. PRIOLKAR)
Member(A)