

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

(4)

O.A. NO: 247/92

199

XXXXXX

DATE OF DECISION 23.10.1992

Shri V.C.Narasimhulu Petitioner

Shri A.I.Bhatkar Advocate for the Petitioners

Versus

Union of India & rs. Respondent

Shri R.K.Shetty Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. Justice S.K.Dhaon, Vice Chairman

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
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 ?

*Sy*  
(S.K.Dhaon)  
Vice Chairman

mbm\*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

(S)

OA.NO. 247/92

Shri V.C.Narasimhulu ... Applicant  
V/S.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon  
Hon'ble Member (A) Shri M.Y.Priolkar

Appearance

Shri A.I.Bhatkar  
Advocate  
for the Applicant

Shri R.K.Shetty  
Advocate  
for the Respondents

ORAL JUDGEMENT

Dated: 23.10.1992

(PER: S.K.Dhaon, Vice Chairman)

The communication dated 8.6.1991 sent by the Chief Engineer to the applicant is being impugned in the present application. According to this communication, the applicant will be due to cross the Efficiency Bar w.e.f. 1.7.1992 and the question as to whether he should be allowed to cross the Efficiency Bar will be considered by the DPC, if and when he becomes eligible for crossing the Efficiency Bar.

2. The prayer in substance is that we should direct that the DPC should consider the case of the applicant and make proper recommendations.
3. A reply has been filed on behalf of the respondents. In it, it is averred that subsequent to the communication of 8.6.1991 proceedings were initiated for refixing the salary of the applicant. As according to the ~~department~~ the salary of the applicant in higher grade was fixed due to inadvertence, a show-cause notice had been given to the applicant. An interim reply was also given by the applicant.

(6)

4. During the pendency of the proceedings aforementioned, we will not be justified in issuing any direction that the DPC should meet and consider the case of the applicant. If the proceedings initiated by the department succeeds ~~and the~~ the grade of the applicant is lowered, the question of his crossing the Efficiency Bar would not arise. Therefore, it is in the interest of the applicant himself that the new proceedings should be disposed of expeditiously.

5. We direct that the fresh proceedings initiated against the applicant may be disposed of as expeditiously as possible. If the proceedings are dropped, the DPC shall meet and consider the case of the applicant within a period of three months from the date of the decision given in the proceedings pending against the applicant.

6. With these directions this application is disposed of finally but without any order as to costs.

  
(M.Y. PRIOLKAR)  
MEMBER (A)

  
(S.K. DHAON)  
VICE CHAIRMAN

mrj.