

(S)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

~~NEW~~ BOMBAY BENCH

O.A. No. 282/92

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~~T.A. No.~~

DATE OF DECISION 25.9.92

Shri S.M. Yusuf Petitioner

Shri A.D. Poojary Advocate for the Petitioner(s)

Versus

Secretary, Min. of Science Respondent

and Technology, Meteorological
Deptt. New Delhi and others.

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 ?

No

(S.K. DHAON)
VICE CHAIRMAN

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

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Original Application No. 282/92

Shri S.M. Yusuf
V/s.

... Applicant

Secretary
Ministry of Science and Technology
Meteorological Department
Government of India
New Delhi.

Director General of Meteorology
Lodhi Road
New Delhi.

Additional Director General
of Meteorology (Agrimet)
Shivaji Nagar
Pune.

... Respondents.

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

Appearance:

Shri A.D. Poojary, counsel
for the applicant.

Shri R.K. Shetty, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 25.9.92.

{Per Shri S.K. Dhaon, Vice Chairman}

A reply has been filed on behalf of respondents. Shri Shetty has been heard in opposition to the O.A.

Learned counsel for the applicant has stated at the Bar that now only relief (c) is being pressed before us. The admitted facts are these. On 1.4.78 the applicant was drawing the basic pay of Rs. 500/-. On 1.4.79 he was to get an increment on crossing of efficiency bar. No order was passed either way in the matter of crossing of efficiency bar. On 10.10.79 a charge sheet was given to the applicant and finally on 6.12.85 an order imposing a punishment was passed. This order was to be effective from 1.1.86 for a period of two years. The period of punishment is over. The grievance is that the amount payable to the applicant has not been

computed on the footing that he had crossed the efficiency bar on 1.4.79.

Admittedly, on 1.4.79 no disciplinary proceedings were pending. The ^{explanation} directions offered for not passing an order on 1.4.79 allowing the applicant to cross the efficiency bar is that a suitable officer was not available to pass necessary orders. This explanation is not plausible at all. The applicant could not and cannot be allowed to suffer on that ground alone. We, therefore, direct that the applicant should be treated to have crossed the efficiency bar on 1.4.79. Shri Shetty, learned counsel for the respondents has very fairly stated that the amount payable to the applicant shall be computed afresh on the footing that he had crossed the efficiency bar on 1.4.79.

We, direct that the respondents shall re-compute the entire amount payable to the applicant on the footing that he had crossed the efficiency bar on 1.4.79 . This shall be done within a period of three months from the date of the production of a certified copy of this order by the applicant before The Additional Director General of Meteorology (Agrimet), respondent No.3. The applicant is permitted to transmit a certified copy of this order to the said officer under Registered Post A.D.

We make it clear that the order of punishment passed against the applicant has neither been modified nor varied in any manner by us.

There shall be no order as to cost.


(M.Y. PRIOLKAR)
MEMBER(A)


(S.K. DHAON)
VICE CHAIRMAN