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CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH AT  
HYDERABAD.

D.A. No. 622 of 1987.

Date of decision: 19.12.89

Between:

N.Pullaji, S/o Narasimhamurthy,  
Section Supervisor, Office of Sub  
Divisional Office, Telecom,  
Fort Gate, Rajahmundry. Applicant.

Vs.

Union of India represented by the  
Director General, Telecom,  
New Delhi and two others. .. Respondents.

Shri J.V.Lakshmana Rao, learned counsel for the Applicant.

Shri E.Madan Mohan Rao, learned Additional Standing counsel  
for the respondents.

CORAM:

Hon'ble Shri B.N.Jayasimha, Vice-Chairman.

Hon'ble Shri J.Narasimhamurty, Hon'ble Member (Judicial).

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE  
Shri B.N.Jayasimha, Vice-Chairman.

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JUDGMENT.

The Applicant is a Section <sup>Sup</sup> ~~Ex~~ Vicer in Postal and Telegraphs Department. Aggrieved by the action of the Respondents in not allowing him to cross the Efficiency Bar due to him from 1--2--1984, he has filed this application.

The applicant states that he was due to cross the Efficiency Bar at the stage of Rs.560/- to 580/- from 1--2--1984. The Telecom. District Manager, Vijayawada did not allow him to cross the EB. He was informed of this by his letter No. EG11/EB/111/82/83/80 dated 16--3--1984. He submitted an appeal dated 5.7.1984 to the General Manager, Telecommunications, Hyderabad and invited the attention of the General Manager, Telecommunications, Hyderabad to the instructions contained in Director-General, P&T New Delhi letter No.42/2/81-SPB-II dated 7-9-1981. The General Manager rejected his appeal. A charge Memo was issued to him under <sup>Rule</sup> 14 of CCS(CCA)Rules, 1965 in Memo No. dated 14--3--1983. After enquiry, a punishment of reduction from Rs.560/- to Rs.545/-

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for a period of one year with effect from 1--9--1984 was imposed. The applicant's appeal to the Appellate Authority was disposed of by the Appellate Authority modifying the punishment to that of Censure as per order No. X2/Dist.VJ/Appeal/5/85 dated 14--3-1985. The applicant was permitted to cross the EB from 1--2--1985 by an order dated 27--3--1986. Thereafter, the applicant submitted an appeal for allowing him to cross the EB with effect from 1--2--1984 and it was rejected by the General Manager, Telecom., Hyderabad by his letter dated 13--9--1986. His petition to the Director General, Telecommunications, New Delhi was also rejected by his letter No. 202-59/86-STN dated 19--2--1987.

The applicant submits that by the due date of his crossing the Efficiency Bar increment i.e., 1--2--1984 there was nothing adverse on record to justify the action of the respondents in not permitting him to cross the efficiency bar stage. He states that even though a charge-sheet was issued in 1983, it cannot have the effect on his crossing efficiency Bar on 1-2-1984. Hence he filed this application.

Anj

To:

1. The Director-General, (Union of India, Telecom, New Delhi-110 001
2. The General Manager, Telecommunications, Triveni complex, Abids, Hyderabad-500 001
3. The District Manager, Telecom, Vijayawada.
4. One copy to Mr.J.V.Lakshmana Rao, Advocate, Flat No.3, Ground floor, Andhra Banks Towers, New Bakaram, Hyderabad-500 380.
5. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC, CAT, Hyderabad.
6. One spare copy.

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The respondents filed their counter contending as under:

The contention of the applicant that he might not have been permitted to cross the EB with effect from 1-2-1984 because of the pending Disciplinary case/ Censure is not correct. His case for crossing the EB was decided by reviewing his record of service by a duly constituted DPC. Since the case of the applicant was decided on the basis of record of service, the question of following the sealed cover procedure does not arise.

We have heard Shri J.V.Lakshmana Rao, learned counsel for the applicant and Shri E.Madan Mohan Rao, learned Additional Standing Counsel for the respondents, who has also placed before us a copy of the minutes of the Departmental Promotion Committee which met on 6-3-84 and also the Annual Confidential Reports of the applicant.

*for the year*  
A perusal of the Confidential Reports ~~xx~~ immediately prior to 1984 do not show any adverse entries against the applicant. The DPC minutes clearly indicate that the crossing of the EB of the applicant at the stage from Rs.560 to Rs.580 with effect from 1-2-1984 is not approved as the disciplinary case is pending against the applicant. This is quite contrary to what is stated in the Counter affidavit filed by the respondents. In these circumstances, we allow the application and direct the respondents to allow the applicant to cross the EB with effect from 1-2-1984 at the stage from Rs.560 to Rs.580. No costs.

*B.N.Jayasimha*  
(B.N.JAYASIMHA)  
Vice Chairman

Dt. 19/12 December, 1989.

SQH\*

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*M.S*  
(J.N.MURTHY)  
Member (Judicial)

*S. Venkateswaran*  
Deputy Registrar (J)