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Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 923/89.

Date of Decision :

~~T.A. No.~~

P.C.V.Reddy

Petitioner.

Shri T.Jayant

Advocate for the
petitioner (s)

Versus

Union of India, represented by the
Secretary, Ministry of Communications,
New Delhi & another

Respondent.

Shri N.Bhaskara Rao,
Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. J.Narasimha Murthy : Member(Judl)

THE HON'BLE MR. R.Balasubramanian : Member(Admn)

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 Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HJNM
M(J)

HRBS
M(A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.923/89.

Date of Judgment 4-2-91

P.C.V.Reddy

.. Applicant

Vs.

1. Union of India,
represented by the
Secretary,
Ministry of Communications,
New Delhi-1.

2. Chief General Manager,
Telecommunications,
A.P.Circle,
Triveni Complex,
Hyderabad-500001

.. Respondents

Counsel for the Applicant : Shri T.Jayant

Counsel for the Respondents : Shri N.Bhaskara Rao,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Judl)

Hon'ble Shri R.Balasubramanian : Member(Admn)

[Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn)]

Shri P.C.V.Reddy has filed this application under
section 19 of the Administrative Tribunals Act, 1985 against
the Union of India, represented by the Secretary, Ministry of
Communications and another seeking a direction to the
respondents that he be treated as having crossed the
Efficiency Bar w.e.f. 1.9.86.

2. The applicant is a Group 'B' Officer placed in the
revised scale of pay of Rs.2000-3500 with [REDACTED]

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Efficiency Bar at the Rs.2300-2375 stage. He was due to cross this bar w.e.f. 1.9.86. The applicant states that in fact his pay was fixed at Rs.2375/- in October, 1986 w.e.f. 1.9.86. On 8.12.88 the applicant received a letter from the Chief General Manager Telecommunications, Hyderabad intimating him that he had not been permitted to cross the Efficiency Bar at that stage. Against this he represented on 15.12.88 stating that he had already been placed in the Rs.2375/- stage and requested the Chief General Manager Telecommunications to reconsider his decision. To this he received a reply dated 26.12.88 reiterating the fact that he was not permitted to cross the Efficiency Bar by the competent authority and that the pay fixation at the stage of Rs.2375/- was an error. It was also stated in that reply that the respondents proposed to recover the excess amount which ^{was} ~~has~~ subsequently ~~been~~ recovered also. The applicant again~~sent~~ a representation on 20.1.89 explaining that the adverse entries contained in his C.Rs for 1984-85, 1986-87 and 1987-88 were without any justification and requested for restoration of his pay to the stage of Rs.2375/- from 1.9.86. He received a reply dated 28.8.89 informing him that he had not appealed against the adverse entries within the stipulated time. The applicant prays that he be permitted to cross the Efficiency Bar w.e.f. 1.9.86 and that the amount recovered be restored to him.

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3. The respondents have filed a counter affidavit. It is stated that fixation of pay at the stage of Rs.2375/- w.e.f. 1.9.86 was an error since he had not by that time been permitted to cross the Efficiency Bar. His case for crossing the Efficiency Bar was considered by the D.P.C. which met on 10.11.88 (it is seen from the D.P.C. proceedings that the D.P.C. met on 11.11.88). The D.P.C. did not recommend his case for crossing the Efficiency Bar and hence ^{the} recovery of the amount overpaid to him. It is also stated that he was, however, permitted to cross the Efficiency Bar w.e.f. 1.9.87 vide Chief General Manager Telecommunications, Hyderabad Memo No.TA/STA/70-28/XV dated 27.2.90.

4. We have examined the case and heard the learned counsels for the applicants and the respondents. In the application the applicant has alleged that he had been harassed by two successive reporting officers with ~~the~~ prejudice against him since he belonged to the Scheduled Caste community. It is seen that he never raised these issues when the adverse entries were communicated to him by the Director of Telecommunications, Visakhapatnam who was the ^{authority} higher than the reporting officers and was also the countersigning authority. It was only as late as in December, 1988 on coming to know that he was not allowed to cross the Efficiency Bar that the applicant had levelled these allegations which he had not been able to substantiate. It is also noticed that though he ^{was} ~~is~~ under the impression that he was allowed to cross the Efficiency Bar on 1.9.86 and consequently placed at the stage of Rs.2375/-, he has not protested against non-drawal of

increments after crossing the Efficiency Bar on 1.9.87 as well as on 1.9.88. It was only when he received the letter dated 8.12.88 from the Chief General Manager Telecommunications, Hyderabad stating that he was not permitted to cross the Efficiency Bar that he started reacting. We shall now compare this conduct of the applicant against that of the respondents. The respondents were fully aware that he was due to cross the Efficiency Bar on 1.9.86 and yet they did not take any timely action. There is a time schedule prescribed for this and according to this, the cases of those who are due to cross Efficiency Bar between the months of August and October should be reviewed in the month of July itself. Hence the case for crossing Efficiency Bar of the applicant w.e.f. 1.9.86 should have been considered in July, 1986 itself. But, the D.P.C. was conducted only on 11.11.88 - nearly 2½ years after the due date. The D.P.C. proceedings are cursory. While the D.P.C. recommended the cases of three officers for crossing Efficiency Bar on 1.8.88, 1.10.88 and 1.12.88 it recorded that it did not approve the case of Shri P.C.V.Reddy to cross Efficiency Bar. There is no indication in the D.P.C. proceedings that it was his case of Efficiency Bar w.e.f. 1.9.86 that was considered. No reasons had also been recorded. ~~Therefore~~, cases of employees held up at the Efficiency Bar stage should be reviewed annually with a view to determine their suitability. The D.P.C. which had a sitting much beyond the due date and which did not consider him fit to cross

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To,

1. The Secretary, Union of India, Ministry of Telecommunications, New-Delhi-1.
2. The Chief General Manager, Telecommunications, AP. Circle, Triveni Complex, Hyderabad-500001.
3. One Copy to Mr. T. Jayant, Advocate, 17-35B, Srinagar Colony, Gaddiannaram, P&T Colony, P.O. Dilsukhnagar, Hyderabad-500660.
4. One Copy to Mr. Naram Bhaskara Rao, Addl. CGSC, CAT., H. d.
5. One Spare Copy.

VGB.

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Efficiency Bar w.e.f. 1.9.86 could also have considered his case for crossing the Efficiency Bar w.e.f. 1.9.87. This does not appear to have been done and we find from the counter affidavit filed by the respondents that he was allowed to cross Efficiency Bar from 1.9.87 only in February, 1990. The conduct of the respondents is full of delays and indicates that due care to the cases for crossing Efficiency Bar had not been given.

5. The above situation apart, the applicant^{who} belongs to the Group 'B' has the right to appeal to the higher authorities against the decision of the Chief General Manager Telecommunications. The applicant has not availed of this and has rushed to this Tribunal for redressal. We, therefore, direct the applicant to make a representation against the decision of the Chief General Manager Telecommunications to the higher authorities. If the applicant is aggrieved with the disposal of his appeal he is at liberty to approach this Tribunal for redressal. The case is thus disposed of with no order as to costs.



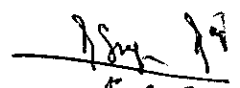
(J. Narasimha Murthy)
Member(Judl).



(R. Balasubramanian)
Member(Admn).

Dated

4th February 91


5.2.91
Deputy Registrar(J).

CHECKED BY

APPROVED BY

TYPED BY *nsb*

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

~~THE HON'BLE MR. B.N. JAYASIMHA : V.C.~~

~~AND~~

~~THE HON'BLE MR. D. SURYA RAO : M(J)~~

~~AND~~

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)

Dated: *4-2*-1991.

ORDER / JUDGMENT:

M.A./R.A. /C.A. NO.

in

T.A.No.

W.P.No.

O.A.No. *923/89*

Admitted and Interim directions
issued.

Allowed

Disposed of with direction

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected.

No order as to costs.

