

(129)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.848 of 1994.

Between

Dated: 23.11.1995.

P.Bhasker Reddy

...

Applicant

And

1. The Additional Surveyor General, Survey Training Institute, Survey of India, Hyderabad.
2. The Surveyor General of India, Dehradun, U.P.

...

Respondents

Counsel for the Applicant

: Sri. C.Suryanarayana

Counsel for the Respondents

: Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. A.B.Gorthi, Administrative Member

The Hon'ble Tribunal made the following order:-

Heard Shri. C.Suryanarayana, learned counsel for the applicant. None for the respondents.

It is stated that the record in this case will be necessary for proper examination of the case. Post it on 4.12.1995. on which date the respondents shall make available the relevant record also.

- *[Signature]*  
23.11.95  
Deputy Registrar (Judl.)

Copy to:-

1. The Additional Surveyor General, Survey Training Institute, Survey of India, Hyderabad-039.
2. The Surveyor General of India, Dehradun-003 U.P.
3. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One spare copy.

Rsm/-

*[Handwritten mark]*

O.A. 848/94.

Dt. of Decision: 02-01-1996.

ORDER

{ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) }

The applicant is a Fire Officer in the Survey Training Institute, Hyderabad. Adverse remarks were endorsed in his ACRs for the year 1989<sup>and</sup> 90, and based on such adverse remarks the DPC that was held did not recommend his case for crossing the efficiency bar (EB for short), thus stopping his pay at Rs. 1800/- p.m. only instead of raising it to Rs. 1850/- to with effect from 01-08-1989. He was later on allowed to cross the EB with effect from 01-08-1991, but was not allowed the benefit of increments of pay for the years 1989-90. His prayer in this OA is to fix his pay of Rs. 1950 with effect from 01-08-91 by giving him the benefit of increments which became due on 01-08-1989 and 01-08-1990.

2. Heard learned counsel for both the parties and perused the record.

3. ACR for the period covering 01-07-1988 to 30-06-1989 was initiated on 29-08-1989. The reviewing officer, viz., The Director, Survey Training Institute endorsed the following remarks on 13-10-1989.

"As a fire officer, his agility and dutifulness are below expectation. In the year under report, he took about <sup>8 L</sup> spells of leave (Earned & Commuted)".

4. Aggrieved by the above adverse remarks, applicant submitted a representation dated 20-11-1989 to the Surveyor General of India, who vide order dated 06-02-1990 expunged that portion of the adverse remarks, which reads "as a fire officer, his agility and dutifulness are below expectation".

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: 4 :

Copy to:-

1. The Additional Surveyor General, Survey Training Institute, Survey of India, Hyderabad..
2. The Survey General of India, Dehradun, U.P.
3. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
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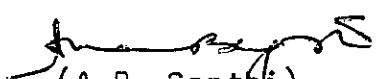
Rsm/-

The decision <sup>by</sup> to expunge the remarks was communicated to the applicant on 5th April 1990. However, in the meantime a DPC met on 26-10-1989 and found the applicant unfit to cross the EB (from Rs. 1800 to 1850 which was due from 1989).

5. The above would clearly indicate that the DPC took into consideration the entire adverse remarks in the ACR for 1989, Although a portion of the adverse remarks was expunged later, on the representation from the applicant. It <sup>is clear</sup> may not be said that the recommendation of the DPC would have been the same if it had excluded from its consideration that portion of the adverse remarks which stood expunged by the competent superior authority.

6. Shri C. Suryanarayana, learned counsel for the applicant raised certain other issues also such as the claim of the applicant for grant of increments from the date he became due <sup>for every 5 years</sup> of EB, as was given to another similarly situated employee. It is ~~further~~ <sup>however</sup> not necessary to consider this issue at this stage because in <sup>the</sup> ~~these~~ circumstances as afore-stated the case of the applicant will have to be reconsidered by a review DPC, for consideration whether in the light of the ACR for 1989, as it is stood after partial <sup>expunction</sup> ~~extension~~ of the adverse remarks the applicant would be eligible for crossing EB with effect from 01-08-1989. Consequentially, the DA is allowed with a direction to the respondents to constitute a review DPC and place the case of the applicant before it. The review DPC may also taken into consideration the representation, if any, <sup>which</sup> ~~what~~ for the applicant may make in this regard.

7. The DA is ordered accordingly. No costs.

  
(A.B. Gorthi)  
Member (Admn.)

Dated : The 2nd January 1996.  
(Dictated in Open Court)

Dr. Regis. (3) <sup>4th</sup> Pt

007-8487/94

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHY: MEMBER(A)

~~HON'BLE SHRI~~

DATED: 21/94

ORDER/JUDGMENT

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

IN

O.A. NO.

8487/94

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS~~

\* \* \*

No Spare Copy

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
भेज/DESPATCH  
22 JAN 1996  
हैदराबाद बेंच  
HYDERABAD BENCH