

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH
JAIPUR.

O.A. No. 144/93

Dt. of order: 5.7.93

Badri Lal Gupta

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr. M. L. Pareek

: Counsel for applicant

Max

CORAM

Hon'ble Mr. Justice D. L. Mehta, Vice Chairman

Hon'ble Mr. O. P. Sharma, Member (Adm.).

PER HON'BLE MR. O. P. SHARMA, MEMBER (ADM.).

The applicant has filed the present O.A. being aggrieved by the respondents' not allowing him to cross Efficiency Bar w.e.f. 8.7.88. It was by order dated 27.3.89 that the applicant was informed that he was not found fit to cross the Efficiency Bar. On a perusal of the application, we find that a penalty of Censure was imposed ~~on~~ the applicant on 6.3.87. Thereafter, by order dated 25.4.88, a penalty of with-holding of one increment for 2 years with cumulative effect was imposed on him. The said penalty was however modified by order dated 8.7.88, to last a period of 3 months only. The learned counsel for the applicant has argued that neither the penalty of Censure imposed vide order dated 6.3.87 nor the subsequent penalty imposed should stand in the way of the applicant being permitted to cross the Efficiency Bar.

2. We have heard the learned counsel for the applicant and perused the record. Both the penalties were in fact imposed on dates prior to 8.7.88, the date on which the applicant was due for crossing the Efficiency Bar. The respondents are entitled to

consider the penalties imposed before that date for the purpose of deciding whether the applicant should be allowed to cross the Efficiency Bar w.e.f. 8.7.88. ✓

3. The applicant is now entitled to have his name considered afresh for the purpose of crossing the Efficiency Bar and such consideration takes place normally every year. The respondents shall consider the case of the applicant for crossing Efficiency Bar on the next date on which such consideration is to be held, for persons junior to the applicant. The applicant's name shall be considered by the respondents in accordance with the prescribed rules and procedures. As regards the applicant's claim that he was entitled to cross efficiency bar from 8.7.88, the claim stands rejected. With this observation, the O.A. stands disposed of. No order as to costs.

O.P.Sharma
(O.P.Sharma)
Member (A)

D.L.Mehta
(D.L.Mehta)
Vice Chairman.