

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A. No. 162/94

Dt. of order: 13.2.1995

Badri Lal Gupta

: Applicant

Vs.

Union of India & Ors.

: Respondents

Mr. K. L. Thawani

: Counsel for applicant

Mr. U. D. Sharma

: Counsel for respondents

CORAM:

Hon'ble Mr. Gopal Krishna, Member (Jud1.)

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

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

In this application under Sec. 19 of the Administrative Tribunals Act, 1985, applicant Shri Badri Lal Gupta has prayed that the respondents may be directed to allow crossing of Efficiency Bar w.e.f. 1.7.1989 at the stage of R.1800 in the scale R.1400-2300 and that the respondents may be directed to consider the case of the applicant for crossing Efficiency Bar year-wise as on 1.7.90, 1.7.91, 1.7.92 and 1.7.93.

2. We have heard the learned counsel for the parties and have gone through the records including the minutes of the DFC meeting held on 11.3.93 with regard to crossing of Efficiency Bar by the applicant and certain others. The undisputed facts in this case are that a penalty of with-holding of one increment for a period of 2 years was imposed on the applicant on 27.4.'88 and another penalty of with-holding of one increment for 3 years was imposed on him on 27.6.'89. According to the learned counsel for the respondents the applicant was denied the benefit of crossing of Efficiency Bar because the penalty ~~is~~ imposed on him. However, the penalty of with-holding of one increment for 3 years imposed in 1989 would also have run its currency period in 1992. From the minutes of the DFC proceedings held on 11.3.93 it is seen that the DFC had recommended E.B crossing of the applicant with retrospective effect i.e. from 1.7.1988, but these recommendations were not agreed to by the Controlling Authority. However, after the currency period of the last penalty imposed on the applicant had expired, the applicant would apparently be due for crossing of

E.B. if there is nothing else against him apart from the penalties imposed, as referred to above. The applicant is entitled to have his case considered for crossing of E.B. from a date after the expiry of the currency period of the last penalty imposed on him.

3. We accordingly direct the respondents to convene a review DPC and consider the case of the applicant for crossing of the Efficiency Bar w.e.f. the date as mentioned above.

4. The O.A. is disposed of accordingly with no order as to costs.

O.P.Sharma
Member (A).

Gopal Krishna
Member (J).