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Date of Decision: 4.4.2000

QA 188/97

Narsingh Narain Sharma s/o Late Shri Bal Krishan Lal r/o  
Mhalla Topi Nand Bhawan, House No.34/109, Bharatpur.

... Applicant.

V/s.

1. Union of India through Secretary, Ministry of  
Telecommunication, Sanchar Bhawan, New Delhi.
  2. General Manager Telecommunication (East), Jaipur.
  3. Telecom District Engineer Bharatpur, Distt. Bharatpur.
- ... Respondents.

CORAM:

HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN  
HON'BLE MR.N.P.NAWANI, ADMINISTRATIVE MEMBER

For the Applicant ... Mr.M.C.Jain  
For the Respondents ... ---

O R D E R

(PER HON'BLE MR.JUSTICE B.S.RAIKOTE, VICE CHAIRMAN)


This application is filed for a direction directing the respondents to declare crossing of Efficiency Bar to the applicant w.e.f. June, 1986, whereas the applicant has been allowed to cross the E.B. only w.e.f. 1.10.89. It is further stated that during this three years period i.e. from June, 86 to 1.10.89 the applicant should have been allowed to ~~cor~~ cross the E.B.

2. It is not in dispute that an inquiry was pending against the applicant during that period and ultimately the applicant was imposed a punishment of censure vide order dated 31.3.89 (Annexure A/9). Immediately thereafter it was ~~x~~ declared that the applicant has crossed the E.B. on 1.10.89. The short grievance of the applicant is that he should have been declared to cross the E.B. even during the period June, 86 to 1.10.89. In our view, the applicant was not entitled to ~~cross the~~ such an order from the department, as if he has crossed the E.B. during that period, since the fact remains

11

on record that the departmental proceedings were pending against him particularly in view of the gravity of the charge that he was putting trunk calls without making entry in the ticket. Ultimately, the departmental proceedings, as admitted by the applicant himself, ended with the punishment of censure. It is not disputed that censure also is a punishment and a lenient view was taken since the applicant was suffering from Asthama. Having regard to these circumstances, the applicant is not entitled to any relief at the hands of this Tribunal. Accordingly, we pass the order as under :-

The Original Application is dismissed at the stage of admission.

  
(N.P. NAWANI)  
MEMBER (A)

  
(B.S. RAIKOTE)  
VICE CHAIRMAN