

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 25/12/97

OA No.419/1997

Babri Lal Gupta s/o Shri Prabhu Lal, r/o of Khanpur Distt.

Jhalawar, retired Postal Assistant Khanpur Post Office (Jhalawar) under Kota Postal Division.

.. Applicant

Versus

1. Union of India through the Secretary to the Govt. of India, Department of Posts, Ministry of Communication, New Delhi.
2. The Chief Postmaster General, Rajasthan Circle, Jaipur
3. Director of Postal Services Rajasthan Southern Region, Aimer.
4. Superintendent of Post Offices, Kota Postal Division, Kota.

.. Respondents

Mr. P.P. Mathur, proxy counsel to Mr. C.B. Sharma, counsel for the applicant

Mr. Hemant Gupta, Proxy counsel to Mr. M. Rafiq, counsel for the respondents

CORAM:

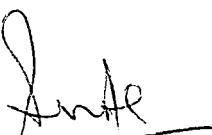
Hon'ble Mr. S.K. Agarwal, Judicial Member

Hon'ble Mr. A.P. Negi, Administrative Member

Order

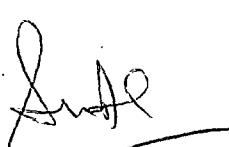
Per Hon'ble Mr. S.K. Agarwal, Judicial Member

In this Original Application, filed under Section 19 of the Administrative Tribunals Act, 1985, applicant makes a prayer to direct the respondents to refix the pay of the applicant after releasing increment w.e.f. 1.7.1992 which were not allowed due to crossing of Efficiency Bar on 1.7.88, 1.7.89, 1.7.90 and 1.7.1991. Further directions are sought to direct the respondents to modify the order dated 27.11.1995 (Ann.A5) to the extent that the pay of the



applicant be fixed at the stage of Rs. 2000 instead of Rs. 1850 and to pay difference of pay and allowances with other consequential benefit.

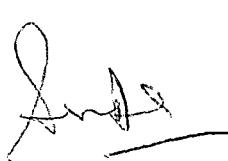
2. Facts of the case, as stated by the applicant are that the applicant retired on superannuation on 31.7.1994 from the post of Postal Assistant in HSG Gr.II. It is stated that in the year 1988 applicant was working in the scale of Rs. 1400-2300 and Efficiency Bar (for short EB) at the stage of Rs. 1800-1850 was due on 1.7.88 but due to minor penalties awarded to the applicant, the same was not allowed. Further, the applicant was legally entitled to cross the EB on 1.7.88. It is stated that in the year 1988 and 1989 minor penalties were awarded to the applicant and in view of the minor penalties the increments falling due on 1.7.1988 remain stopped. The applicant filed OA for redressal of his grievance but the Tribunal disposed of the OA vide order dated 13.2.1995 with the direction for consideration of his case of crossing the EB from the date after the expiry of the currency period of the last penalty imposed on the applicant. Thereafter the applicant made a request to consider his case whereby case of the applicant was considered and respondents passed an order vide its order dated 27.11.95 by which the applicant was allowed to cross the EB w.e.f. 1.7.1992 at the stage of Rs. 1800 to 1850. It is stated that applicant should be allowed increment on 1.10.88 after expiry of first punishment i.e. for stoppage of increment for 3 months, but the same was not allowed. In the DPC proceedings held on 11.3.1993, the DPC recommended the EB crossing of the applicant w.e.f. 1.7.1988 and the same was not agreed by the controlling authority. Therefore, the decision of the controlling authority was not as per the guidelines on the subject and applicant was deprived of his legitimate rights. Therefore, he has filed this OA for the relief as above.



3. Reply was filed. In the reply it is stated that due to unsatisfactory record of the applicant, the applicant was not allowed to cross the EB w.e.f. 1.7.88 to 30.6.92 as the applicant was awarded the punishment which reflected his unsatisfactory service. The details of punishment have been mentioned in para 1 of the reply. It is also stated that applicant filed OA No. 162/94 before this Tribunal which was disposed of on 13.2.95 with the direction to convene a review DPC and consider the case of the applicant for crossing the EB w.e.f. 1.7.88. In compliance of the directions of this Tribunal, a Review DPC was convened on 27.11.95 and the applicant was allowed to cross the EB from the stage of Rs. 1800 to Rs. 1850 w.e.f. 1.7.92 after completion of punishment awarded vide SSP Kota memo No. B-41 dated 27.6.89 which was current from 1.7.89 to 30.6.92. It is stated that applicant preferred an appeal to the Director Postal Services, Southern Region, Ajmer which was rejected vide order dated 13.12.96. It is stated in the reply that due to currency of punishment awarded to the applicant and in view of his unsatisfactory service record, the applicant was not allowed to cross the EB w.e.f. 1.7.88 and after the currency of the punishment is over on 30.6.92, the applicant was allowed to cross the EB w.e.f. 1.7.92. Therefore, the applicant has no case for interference by this Tribunal and this OA is devoid of any merit and the same is liable to be dismissed.

4. Heard the learned counsel for the parties. It is undisputed fact that applicant was awarded punishment as per the details given below:-

Memo No. of Pun. order	Description of the pun. awarded the applicant	Period of currency of the punishment.
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SSP Kota Memo CENSURED

No. IR/Khanpur/

86 dt. 6.3.87

SSP Kota Memo Withholding of 1.7.88 to 30.6.90 which
No. L2/SB/(ICD) one increment for was reduced by DPS(E) Regi-
88 dttd. 27.4.88 two years on Jaipur vide his memo
No. RD/Staff/2/78/88-89 dttd.
8.7.88 for three months
i.e. 1.7.88 to 30.9.88

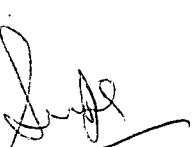
SSP Kota Memo Stoppage of one 1.7.89 to 30.6.92
No. B-41 dttd. increment for
27.6.89 three years.

SSP Kota Memo CENSURED

No. F2/Misc./91-

92 dttd. 13.2.92

It is also undisputed fact that applicant filed OA No. 162/94 before this Tribunal which was disposed of with the direction to convene a review DPC and to consider the case of the applicant for crossing the EB w.e.f. 1.7.88 and in compliance of the direction a review DPC was convened on 27.11.1995 and the applicant was allowed to cross the EB from the stage of Rs. 1800 to Rs. 1850 w.e.f. 1.7.92 after completion of punishment awarded vide SSP Kota memo No. B-41 dated 27.6.89 which was current from 1.7.88 to 30.6.92. In our considered view the applicant was rightly allowed to cross the EB w.e.f. 1.7.92 and we do not find any infirmity or illegality in the impugned order dated 27.11.1995. Therefore. the applicant is



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not entitled to the relief sought for.

5. We, therefore, dismiss this OA with no order as to costs.

Chand

(A.P.NAGRATH)

Adm. Member

S. K. Agarwal

Judl. Member