

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 7548 of 2021

Dr. Janardan Sharma Son of Sri Krishna Sharma Youth Coordinator, Nehru Yuva Kendra, Bhojpur, Ara (Bihar), Resident of Flat No. M- 1/3, Road No. 11, P.O. - Rajendra Nagar, P.s. - Kadamkuan, District- Patna - 800016 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Youth Affairs and Sports, Shastri Bhawan, New Delhi - 110001.
2. The Director General, Nehru Yuva Kendra Sangathan, 2nd Floor, Core - IV, Scope Minar, Lakshmi Nagar, District Centre, Vikash Marg, Delhi - 110092.
3. The Director (Personnel), Nehru Yuva Kendra Sangathan, 2nd Floor, Core - IV, Scope Minar, Lakshmi Nagar, District Centre, Vikash Marg, Delhi-110092.
4. The Executive Director, Nehru Yuva Kendra Sangathan, 2nd Floor, Core - IV, Scope Minar, Lakshmi Nagar, District Centre, Vikash Marg, Delhi-110092.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Munna Pd Dixit, Advocate
For the Respondent/s	:	Mr. Dr. K. N. Singh (ASG)
		Mr. Kanak Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

10 02-02-2022

This application has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner was working as Youth Coordinator, Nehru Yuva Kendra, Patna. Briefly narrated, it is the petitioner's case that he was entitled to cross efficiency bar with effect from



01.07.1987, which has been granted to him with effect from 01.01.1994.

The petitioner's aforesaid claim generated several rounds of litigations before the Central Administrative Tribunal. It is in the fourth round of litigation before the Central Administrative Tribunal, Patna Bench (OA/050/00496/2017), that the petitioner's claim of crossing the efficiency bar with effect from 01.07.1987 has been turned down by a judgement and order dated 16.01.2020 which is under challenge in the present writ application.

It is not in dispute that the petitioner has been allowed crossing of efficiency bar with effect from 01.04.1994. It is the petitioner's case, however, that he should have been allowed such benefit with effect from 01.07.1987. It appears from the impugned order of the Tribunal that the petitioner assailed an office order dated 07.09.2015 passed by the Director (Personnel) of Nehru Yuva Kendra Sangathan, whereby his claim of crossing of efficiency bar with effect from 01.07.1987 was rejected. The relevant portion of the said order reads thus :-

“AND WHEREAS, office order was issued on 05.12.2013 whereby it was conveyed to Dr Sharma that, consequent upon the recommendations of the Members of the DPC held on 26th and 27th November, 2013, the matter of EB crossing was considered but Dr



Sharma was found 'Unfit' for EB crossing w.e.f. 01.07.1987 and in subsequent years. From 01.01.1996, the requirement was abolished and he drew his normal increments."

The Tribunal, in its impugned judgement and order has noted that in terms of an earlier order passed by it in O.A. No. 456 of 2008, a meeting of Departmental Promotion Committee ('DPC' for short) was held in November, 2013, to consider the petitioner's claim in which he was found unfit for efficiency bar crossing with effect from 01.07.1987, and in subsequent orders till 01.01.1996, when the requirement of efficiency bar was abolished, whereafter he drew his normal increments.

Learned counsel for the petitioner has not been able to point out that the aforesaid decision of the DPC, which was admittedly communicated to the petitioner was ever put to challenge by him.

Learned counsel appearing on behalf of the Nehru Yuva Kendra, Patna has drawn our attention to the petitioner's representation filed on 31.03.1998, wherein he had claimed that he was entitled to cross efficiency bar with effect from 01.04.1994, and in peculiar facts and circumstances of the petitioner's claim, he was granted such benefit with effect from



01.04.1994.

Be that as it may, this being an admitted position that the petitioner did not question the decision of the DPC taken in November, 2013, to the effect that he was unfit for efficiency bar crossing with effect from 01.07.1987 and in subsequent years, which was communicated to him on 05.12.2013, we do not find any merit in the petitioner's claim.

In such view of the matter, the impugned judgement of the Tribunal rejecting the petitioner's claim of benefit of efficiency bar crossing with effect from 01.07.1987, does not require interference. There is no legal infirmity in the said judgment, requiring this Court's interference.

This application is devoid of merit, and is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

K.K.RAO/-

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