

Lila Kanta Barua And Ors. vs Collector Of Customs And Central ... on 18 October, 1979

Equivalent citations: AIR 1980 SC 444, 1980 SUPP(1) SCC 370, 1979(11) UJ 933(SC), AIR 1980 SUPREME COURT 444, (1980) 1 SERVLR 273, 1979 UJ(SC) 933, 1981 SCC (L&S) 248

Bench: R.S. Pathak, V.R. Krishna Iyer

JUDGMENT

1. This is a hard case which cannot persuade us to make bad law: therefore, the petition has to fail.
2. The petitioners are Central Government employees of the Customs Department who complain that they find themselves below Customs Officers employed by the Tripura Princely State, who came into the service of the Central Government (Customs Department), on the Princely State being integrated with the Union of India. The reason for the former employees of the Tripura State being given seniority over the petitioners is that they have longer 'confirmed' service. The petitioners' contention is that; continuous officiating service should be the guideline and not the length of service after confirmation. These are matters of policy which Government must have discretion to adopt. Indeed, Government did change its policy from time to time after making an assessment of the situation with reference to administrative exigencies and overall justice. Unless something arbitrary, perverse, mala fide or extraneous or like factor, is imported into the policy of the Government, the Court cannot predicate a breach of Article 16. We are unable to see any such vitiating factor. We may also add that somewhat similar challenges were made in *Amrit Lal Berry v. Collector of Central Excise, New Delhi* and repelled. We are unable to accede to the contentions of the petitioners and dismiss the writ petition.
3. We feel strongly that petitioners deserve sympathy, for, long years of service without any promotion or prospect of promotion, will frustrate a public servant and impair his efficiency. There must be a basic sense of justice and some hope of promotion lest the employee should become disenchanted with his work. Counsel represents that decades of service without any promotion has been the lot of several of the petitioners. We are sure that, on a proper representation being made to the Government of India, this aspect will be considered and by suitable adjustments a sense of justice and contentment will be produced in the petitioners and those like them, so that the overall efficiency of the employees of the Customs Department may be maintained or improved. Subject to this observation, we dismiss the writ petition. There will be no order as to costs.