

Supreme Court of India

State Of Maharashtra And Ors. vs Uttamrao Rayala Nikam on 10 September, 1993

Equivalent citations: (1994) IILLJ 815 SC, (1994) 2 SCC 116

Author: K Ramaswamy

Bench: K Ramaswamy, N Singh

ORDER K. Ramaswamy, J.

1. This SLP was filed against an order of the Maharashtra Administrative Tribunal at Nasik dated October 1, 1992. The order stopping crossing of efficiency bar to reach his scale of pay Rs. 2800 - 4000 was quashed. The Tribunal found that the respondent reached the efficiency bar on October 1, 1982. Earlier he was compulsorily retired but by order of the court he remained in service. Under the rules made by the Government, the process should be made well in advance and record should be considered and a positive order should be made by the competent authority to pass an order stopping giving the increment due to the efficiency bar. Till September 1984, no order has been passed by the competent authority. The Reporting Officer in 1984 found the record of the respondent satisfactory and also recommended for his promotion. Yet the Supervisory Officer appears to have recorded that he cannot be promoted. On that basis, he passed an order on September 14, 1984 stopping the efficiency bar by which time he had already passed three years which he would have been entitled to in the normal course. Rules also postulate that every year they should consider and repeat the exercise. The reason is obvious. The officer due to efforts would improve his efficiency of service to earn his increments. So stoppage of increment is not an all-time and permanent stagnant block for the rest of the career. So wholesome procedure of yearly meticulous exercise of duty was envisaged under the rules but flagrantly violated and for inexplicable reasons the exercise was not done. Therefore, the Tribunal has rightly pointed out that stopping of crossing the efficiency bar is arbitrary and we hold it unjust and unfair. Yet the petitioner has chosen with no responsibility in filing the SLP in this Court with no ghost of a chance of success. Therefore, the SLP was filed needlessly and irresponsibly. Accordingly, the SLP is dismissed with the exemplary cost of Rs. 5000. This amount should be deducted from the personal pay of the officer/officers who has/have recommended to file this SLP. The Chief Secretary, Maharashtra Government, is directed to deduct this amount from the personal pay of the officer/officers concerned and send it to the Account of the Supreme Court Legal Aid Committee. The Registry is directed to communicate this order to the Supreme Court Legal Aid Committee which would correspond with the Chief Secretary for collection of the amount.