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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH

Reserved

Original Application 616 of 1987

Babu Lal .. Applicant

Versus

Union of India & Ors .. Respondents

Shri O.P. Gupta, .. Counsel for Applicant

Shri. Ashok Mohiley .. Counsel for Respondent

Hon. D.K. Ag rawal, J.M.

Hon. K. Obayya, A.M.

( By Hon. D.K. Agrawal, Member (J) )

This application Under Section 19 of Administrative Tribunals Act 1985 is directed against an order dated 13.2.1984 whereby the applicant has been allowed to cross the Efficiency Bar at the <sup>stage</sup> ~~rate~~ of Rs.580/- from due date i.e. 1.6.1980 but denied increment. The facts are that the applicant was working as Senior Section Supervisor in the Central Telegraphic Office at Allahabad and retired from service on 31.7.1985. Due to an adverse entry he was not considered fit to cross Efficiency Bar w.e.f. 1.6.1980. However, the adverse entry was expunged at a later date and the Competent Authority <sup>took</sup> ~~to~~ the decision to grant Efficiency Bar to the applicant from due date i.e. 1.6.1980. In this manner the crossing of Efficiency Bar was allowed from the original due date and not from <sup>as</sup> ~~the~~ retrospective prospective date. Still however, the increment was

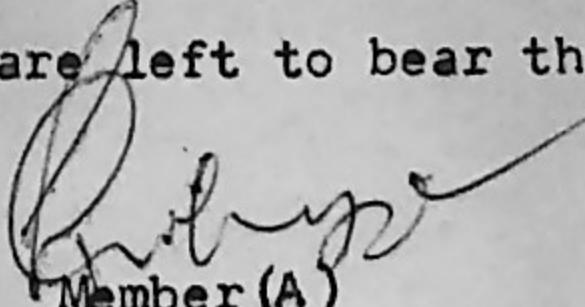
*DK Agrawal*

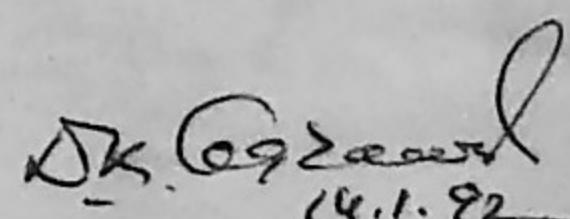
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denied to him without taking resort to any disciplinary action against him. The normal rule is that once a government servant is allowed to cross Efficiency Bar his pay is to be fixed at the stage immediately above the Efficiency Bar. The only method by which the increment can be denied to a government servant is by way of punishment. In the instant case the Competent Authority has however not taken recourse to any proceedings for withholding the increments. Therefore the order denying the increment from the stage next increment due to him cannot be sustained. Consequently this application has to be allowed. The impugned order has to be modified to the extent that the applicant would be entitled to the next increment from the date he has been allowed to cross the efficiency bar.

In the result the application is allowed. The impugned order is modified to the extent that the applicant will be entitled to the next increment from the date he was allowed to cross Efficiency Bar. The respondents are directed to accordingly pay the arrears of salary and the consequential Tribunal benefits, if any, ~~arises~~ within three months of the date of the communication of the order. The parties are left to bear the costs.

  
Member (A)

  
Member (J)

Dated: 14th January, 1992

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