

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 1973/89
T.A. No.

199

DATE OF DECISION 3.5.1991.

Shri Husan Singh

~~Petitioner~~ Applicant

In person

Advocate for the ~~Petitioner(s)~~ Applicant

^{Versus}
Dy. Commissioner of Police,
Delhi

Respondent

Smt. Avnish Ahlawat

Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. Kartha; Vice-Chairman (Judl.)

The Hon'ble Mr. B.N. Dhoundiyal, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

(Judgement of the Bench delivered by Hon'ble
Mr. P.K. Kartha, Vice-Chairman)

While working as Sub-Inspector in the Delhi Police,
the applicant filed this application under Section 19 of
the Administrative Tribunals Act, 1985, praying that the
respondents be directed to pay to him all consequential
benefits, including arrears of pay instead of mere proforma
promotion mentioned in the impugned orders dated 23.6.1989
and 17.7.1989 in the rank of A.S.I. and S.I. @

2. It may be recalled that in its judgement dated
30.5.1988 in Shri Banwari Lal & Others Vs. Union of India

and Others (TA-473/85 - CW-661/79), this Tribunal had directed the respondents to prepare a fresh list of Head Constables (Ministerial) and lists of officers suitable for promotion in the higher grades by strictly applying the provisions of P.P. Rules 12.30 and 13.17 and consider the suitability of the petitioners for appointments to such grades. It was further directed that the petitioners would also be entitled to all consequential benefits, including arrears of pay.

3. The applicant has stated that he is entitled to the benefit of the judgement of this Tribunal in Shri Banwari Lal's case, mentioned above, to which one of us (P.K. Kartha) was a party. In view of this, he has contended that not only promotion to the higher posts, but also arrears of pay and allowances should be given to him.

4. The case of the respondents is that the applicant was only given a notional promotion for the back period and that he is ^{not} entitled to arrears of pay and allowances for the period during which he did not work in the higher posts. They have applied the principle of 'No work, no pay' in this regard.

5. We have carefully gone through the records of the case and have considered the rival contentions. During the hearing, the applicant and the learned counsel for the respondents relied upon numerous rulings^{*} in support of their contentions and we have duly considered them.

6. Admittedly, the applicant has not worked in the promotional posts. In such a case, the Suopreme Court has held in Virender Kumar, General Manager, Northern Railway, New Delhi Vs. Arinath Chandra Chadha & Others, 1990(1) SCALE 857 at 862, that the person who is promoted on notional basis, will not be entitled to the higher salary on the principle of 'No work, no pay'. However, the Supreme Court left the matter to be decided by the Government as it deemed fit. The decision of the Supreme Court in Virender Kumar's case being the latest judicial pronouncement on the subject, we respectfully follow the same. In view of this, it is for the respondents to decide whether or not the applicant may also be given all consequential benefits, including arrears of pay.

7. In the circumstances, we see no merit in the present application and the same is dismissed. There will be no order as to costs.

B.N. Dhoundiyal
(B.N. Dhoundiyal)
Administrative Member

P.K. Kartha
(P.K. Kartha)
Vice-Chairman(Judl.)

* Decisions cited by the Applicant:
AIR 1966 S.C. 1942; SLJ 1990 (1) 322 (CAT);
SLJ 1987 (3) CAT 423; 1972 SLR 572; AIR 1974 S.C.462;
1983 (1) SLR 400; and AIR 1968 S.C. 1113.
Decisions cited by the learned counsel for Respondents:
1990(1) SCALE 857.