

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. NO.210/1998
in
O.A. NO.1492/1992

16

New Delhi this the 30th day of July, 1998.

HON'BLE SHRI JUSTICE K. M. AGARWAL, CHAIRMAN

HON'BLE SHRI R. K. AHOOJA, MEMBER (A)

Ram Kishan S/O Jogi Ram,
R/O Vill. & P.O. Gandhra,
P.S. Sapla, Distt. Rohtak,
Haryana.

... Applicant

(By Shri Shyam Babu, Advocate)

-Versus-

1. Shri V. N. Singh,
Commissioner of Police, Delhi,
Police Headquarters,
I.P. Estate,
New Delhi.

2. Shri Kishan Kumar,
Dy. Commissioner of Police (HQ-1),
Police Headquarters,
I.P. Estate,
New Delhi.

... Respondents

O R D E R (ORAL)

Shri Justice K. M. Agarwal :

Heard the learned counsel for applicant on admission.

2. This contempt petition has been filed for disobedience with the order dated 12.9.1997 made in OA No. 1492/92. The directions were as follows:-

"7. In the result this O.A. is disposed of with a direction that applicant shall be deemed to have been confirmed w.e.f. 22.11.85, with all consequential benefits, including consideration for promotion to next higher posts in accordance with rules and instructions on the subject. No costs."

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17

3. It is not disputed that by order dated 24.4.1998 the applicant was informed that he was confirmed w.e.f. 22.11.1985. The order also shows that he was promoted w.e.f. 28.4.1992. However, the applicant appears to be aggrieved by the last paragraph of the order which reads as follows:-

"However, he is granted proforma promotion to the rank of ASI (Ex.) for the period from 28.4.92 to 23.4.98. During this period, he will not draw pay and allowances in the rank of ASI (Ex.) but this period will otherwise count towards increments & seniority."

4. In view of the principle, no work no pay, we are of the view that the applicant was rightly granted pro forma promotion w.e.f. 28.4.1992 to 23.4.1998. But it was directed that this period would otherwise count towards increments and seniority. According to us, this is sufficient compliance with the order made by the Tribunal in favour of the applicant. The direction that the aforesaid period would count towards increments and seniority means that fixation of his salary shall be made taking into account that the applicant was promoted on 28.4.1992 and thereafter given increments, as directed by the respondents by their order dated 24.4.1998. We, therefore, also see that the interest of the applicant is well protected in so far as the period during which he was actually functioning on the promotional post is concerned.

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18

5. We find no substance in the contention that the effect of the directions made by the Tribunal in the aforesaid OA was to give him actual monetary benefits by payment of salary or difference of salary for the period during which he was not promoted.

6. For the aforesaid reasons, we find no merit in this contempt petition. Accordingly, it is hereby summarily dismissed.

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(K. M. Agarwal)
Chairman

R. K. Ahooja

(R. K. Ahooja)
Member (A)

/as/