

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL (ALLAHABAD BENCH)
ALLAHABAD.

D.A. NO.
T.A. NO. 105/80

OF * 199

Date of decision: 25.9.92

..... Balikari Ram Petitioner

..... Shri. P.K. Kashyap Advocate for the Petitioner.
Versus

..... The Union of India & others Respondent

..... Shri. K.C. Sinha Advocate for the Respondent

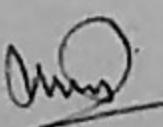
XXX: XXXXXXXXX: XXX

CORAM:-

The Hon'ble Mr. K. Obayya - A.M.

The Hon'ble Mr. Maharaj Dai - J.M.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether to be circulated to all other Benches?


Signature

Naqvi/

THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH- ALLAHABAD.

T.A. NO. 105 of 1988.

Balihari Ram.....Applicant.

Versus

The Union of India & others..... Respondents.

Hon'ble Mr. K. Obayya - A.M.
Hon'ble Mr. Maharaj Din - J.M.

(By Hon'ble Maharaj Din - J.M.)

Plaintiff hereafter referred to as applicant filed a suit in the court of Munsif Mohammadabad Gohna, at Azamgarh seeking relief of the declaration that he is entitled to pay and allowance with interest from 8.11.68 to 3.7.78.

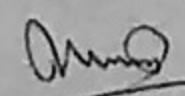
2. The relevant facts giving rise to this suit are that the applicant was appointed as an Extra Departmental packer on 16.6.67 at Gohna ^{or} sub Post Office and joined there on 3.7.67. The applicant continued to work as Extra Departmental Packer there upto 8.11.68. The applicant was terminated by the termination order dated 8.11.68, whereupon the applicant filed the suit in the court of Munsif Mohammadabad at Azamgarh against the order of termination (Suit No. 197/70). The above suit was decreed on 29.4.72. The defendants hereinafter referred to as respondents preferred an appeal which was dismissed by the Addl. Civil Judge Azamgarh vide order dated 9.1.75. The applicant was ultimately allowed to resume the work again on 4.7.78. Thus the applicant was kept out of work from 8.11.68 to 3.7.78. It is stated that since the Munsif Mohammadabad Gohna declared the applicant continued in service, therefore he is entitled to pay and allowance for the period mentioned above. The applicant made representation for payment of pay and allowance, but the respondents kept silent. Hence the suit has been filed for the recovery of the same in the court of Munsif.

3. On receiving the case on transfer in this Tribunal, the respondents filed written statement and resisted the claim of the applicant.

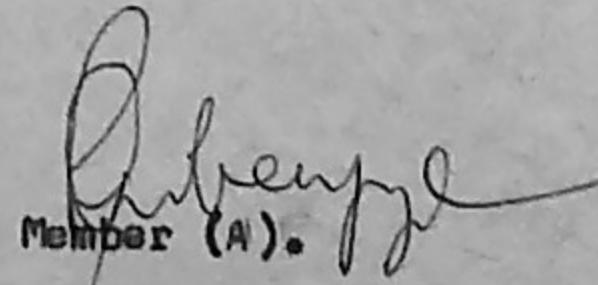
Omrao

4. We have heard the learned counsel for the parties and perused the record. The applicant in a suit filed before the Munsif (suit no. 197/70) sought the relief for declaration that he continued to be in service and the termination order dated 8.6.68 is illegal which was decreed. The applicant in the said suit did not make prayer for consequential relief of payment of allowances. The said suit was decided finally by the Appellate court on 9.1.75. The applicant filed the present suit for part of the claim which is for payment of allowances. The applicant admittedly did not work or performed any duty from 8.11.67 to 3.7.78. The Extra Departmental Packer gets the allowances for the work which is taken from him. The learned counsel for the applicant has not shown any rule that the applicant is entitled to get the allowances even if he did not perform ^{as} the duty or the work was not taken from him. The applicant was given provisional appointment by a Sub Divisional Inspector (East) Post Office Azamgarh on 29.6.1967 with the clear understanding that the appointment was provisional. The applicant applied to the department for his arrears of allowances for the period from 19.4.68 to 4.7.78. The department took the view that the applicant is not entitled to any allowances for the period he was out of job. The department has rightly ^{a taken} ~~take~~ this view in refusing to ~~not~~ pay the arrears of allowances on the basis of the Principle of " NO WORK NO PAY". We are fortified in taking this view by the pronouncement made in J.T.A. 1991 (3) S.C. -478 Smt. Saran Kumari Gaur and others Vs. State of U.P. and others, in which principle of no work no remuneration was made applicable.

5. So in view of the discussion made above, we find no merit in this case which is hereby dismissed with no order as to the costs.


24.9.92
Member (J).

Dt: 26.9.92.
(DPS)


Member (A).