

Central Administrative Tribunal,
Cuttack Bench: Cuttack

Original Application No: 415 of 1991

Date of decision: August, 28, 1992

Gayanath Das Applicant

-Versus-

Union of India and others Respondents

For the Applicants : M/s. B.K. Sahoo,
K.C. Sahoo,
K.P. Dash,
Advocates.

For the Respondents : Mr. Ashok Mohanty, Sr. St. Counsel (Central)

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CORAM:

THE HONOURABLE MR. K.P. ACHARYA, VICE CHAIRMAN

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1. Whether reporters of local papers may be allowed to see the judgment? Yes.
2. To be referred to the reporters or not? No
2. Whether ~~reporters~~ His Lordships wish to see the fair copy of the Judgment? Yes.

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J U D G M E N T

K.P.ACHARYA, V.C

In this application under section 19 of the Administrative Tribunals Act, 1985, the Petitioner prays for a direction to the Opposite Parties to pay the differential pay of the petitioner including over time ^{allowance} Bonus, House rent etc. meant for the post of Tradesman C with effect from 30th November 1982.

2. Shortly stated the case of the petitioner is that he was working as Carpenter (Tradesman F) under Opposite Party No.2 i.e. the Commandant, Proof and Experimental Establishment, Chandipur, Balasore. The Petitioner was selected for promotion to the Post of Tradesman C after he had undergone trade test held on 8th June, 1982. Despite ^{his} selection to the promotional post, he was not given any appointment to the promotional post though his juniors M/s R.C.Das, S.N.Rout, and Sanyasi Behera have been promoted. Later the Petitioner was given promotion to the post of Carpenter (Tradesman-C) with effect from 30th November, 1982 with a stipulation that the petitioner's pay has to be notionally fixed with effect from 30th November, 1982. The Petitioner filed representations contained in Annexures 5, 6 and 7 and ultimately it was ordered that the petitioner will get the pay of the Promotional post with effect from 11th January, 1991. Hence this application has been filed with the aforesaid prayer.

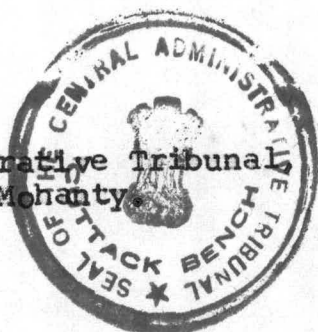
3. In their counter, the Opposite parties maintained that the case of the petitioner having been considered for the promotional post with effect from 31st November, 1982, rightly it was ordered that his pay will be fixed notionally with effect from 31st November, 1982 though actual monetary benefit will be given to the petitioner with effect from 11th January, 1991--

the date ^{from} ~~on~~ which he had actually worked.

5. I have heard Mr. B.K.Sahoo learned counsel for the petitioner and Mr. Ashok Mohanty learned Senior Standing Counsel(Central) for the Opposite Parties.

5. The averments finding place in the pleadings regarding promotion given to the juniors of the petitioner need not be looked into because the limited prayer of the petitioner is to direct the Opposite Parties to give arrear pay to the petitioner with effect from 31st November 1982. I do not find any merit in this prayer because the petitioner had not ventilated his grievance, if any, at the appropriate time for which his juniors have been superceded which also does not find place in the prayer made in this application. Even if there would have been such a prayer, the case would have been held to be barred by limitation. This Bench now ^{Confined} ~~confined~~ itself to the prayer as to whether the petitioner is entitled to monetary benefits to be paid to him as arrear with effect from 31st November 1982. Admittedly the petitioner had actually worked in the promotional post with effect from 11th January, 1992 and therefore, he cannot be entitled to any pay with effect from 31st November, 1982 on the principle of 'no work no pay'. Therefore, I do not find any merit in this application which stands dismissed leaving the parties to bear their own costs.

Central Administrative Tribunal
Cuttack Bench/K.Mohanty.



[Signature]
28/8/92
VICE CHAIRMAN