

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

2/6

Date of Decision : 19.03.2002

O.A NO. 203/2001.

Om Prakash Gurjar son of Shri Mohan Lal, aged about 41 years, resident of Railway Quarter, Arjunsar, Distt. Bikaner, at present employed on the post of Asst Station Master at Arjunsar, Northern Railway, Distt. Bikaner.

... APPLICANT.

v e r s u s

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi.
2. Divisional Personnel Officer, Northern Railway, Bikaner Division, Bikaner.
3. Senior Divisional Operating Manager, Northern Railway, Bikaner Division, Bikaner.

... RESPONDENTS.

Mr. B. Khan counsel for the applicant.
Mr. Kamal Dave counsel for the respondents.

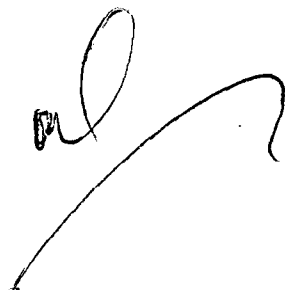
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Hon'ble Mr. Justice O.P. Garg, Vice Chairman.
Hon'ble Mr. Gopal Singh, Administrative Member.

: O R D E R :
(per Hon'ble Mr. Justice O.P. Garg)

By means of the present Original Application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has prayed for the following reliefs :-

"(i) That the impugned order dated 18.09.2000 Annexure A/1, so far it relates to denial of arrears of pay on the promotional post i.e. ASM Gr. 5000-8000, may be declared illegal and the same may be quashed and the applicant allowed due arrears of pay from the date of notional promotion to the date of actual joining on the said post (28.6.96 to 20.09.2000), alongwith



interest at market rate.

(ii) That any other direction, or orders may be passed in favour of the applicant which may be deemed just and proper under the facts and circumstances of this case in the interest of justice.

(iii) That the costs of this application may be awarded."

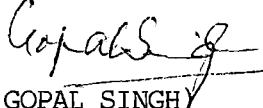
2. After having heard the learned counsel for the parties, we find that the present case is squarely covered by the decision of the Larger Bench in OA No. 543/95 dt. 11.02.2002 (Devi Lal & Anrs. vs. U.O.I. & Ors.), which is as under :-

"b) Para-228 of IREM in so far as the same denies an employee pay and allowances on the principle of 'no work no pay' even if an employee has been erroneously denied the actual work on account of the fault of the management is invalid and violative of Articles 14 and 16 of the Constitution of India."

The benefit of the decision aforesaid is to be extended to the case of the present applicant.

3. The Original Application is allowed. The Respondents are directed to pay the salary to the applicant for the period from 28.06.1996 to 20.09.2000, in the pay scale of Rs. 5000-

8000, for which period notional promotion has been granted to him by the department, within a period of three months from the date of receipt of a copy of this order. No order as to costs.


(GOPAL SINGH)
MEMBER (J)


(JUSTICE O.P. GARG)
VICE CHAIRMAN

R/C copy
02/06/18

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Part II and III destroyed
in my presence on 9-7-07
under the supervision of
section officer as per
order dated 7/4/82

Section officer (Record)