

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 871/89

Shri A.B. Mahapatra and 48 Ors.

... Applicants.

V/s.

Secretary, Ministry of Defence
Production and Supplies, 'G'
Block, New Delhi.

Chairman/ Director General
of Ordnance Factory Board, 10A,
Auckland Road, Calcutta.

General Manager, Ordnance Factory
Bhusaval.

General Manager, Ordnance Factory
Chanda.

General Manager, Ordnance Factory
Varangaon.

General Manager, Ammunition Factory
Kharki, Pune.

General Manager, Ordnance Factory
Bhandara.

... Respondents.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)

Hon'ble Shri M.R. Kolhatkar, Member (A)

Appearance:

Shri D.V. Gangal, counsel
for the applicant.

Shri R.K. Shetty, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 5.12.94

(Per Shri B.S. Hegde, Member (J))

The learned counsel for the applicant
submits that the reliefs claimed in the O.A. have
been granted by the respondents except the arrears.

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In this connection the learned counsel for the
respondents have produced letters dated 31.3.94
and 2.11.94, wherein they have stated that all the
petitioners have been promoted vide D.F.B promotion
orders dated 30.11.93 and 30.12.93, therefore
the O.A. has become redundant.

The learned counsel for the respondents, Shri Shetty states that in view of the decision of the Supreme Court in Paluru Ramkrishnaiah & Ors. v/s. Union of India and others delivered in 1989 followed by K.K.M Nair's case delivered in 1991, the respondents were directed not to pay any Backwages.

As regards backwages the Madhya Pradesh High Court held:

" It is the settled service rule that there has to be no pay for no work i.e. a person will not be entitled to any pay and allowance during the period for which he did not perform the duties of a higher post although after due consideration he was given a proper place in the gradation list having deemed to be promoted to the higher post with effect from the date his junior was promoted. So the petitioners are not entitled to claim any financial benefit retrospectively. At the most they would be entitled to refixation of their present salary on the basis of the notional seniority granted to them in different grades so that their present salary is not less than those who are immediately below them. "

In the light of the above, in case if the respondents have not paid the salary payable to Foreman, to the applicants, the same be disbursed within a period of six months from the date of receipt of this order. It is also open to the applicants to make representation to the competent authority to make the payment if not paid. The respondents are directed to re-fix the pay of the applicants. Accordingly the O.A. is disposed of.

M.R.Kolhatkar
(M.R.Kolhatkar)
Member (A)

B.S.Hegde
(B.S.Hegde)
Member (J)