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# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 130/91  
T.A.No.

Date of Decision : 17-2-92.

K.Rangabhashyam,

Petitioner.

Sri GVRS Varaprasad,

Advocate for the  
petitioner (s)

Versus

The Union of India, rep; by its Secretary,  
Ministry of Finance, North Block, New Delhi, Respondent.  
& another

Sri Naram Bhaskar Rao,

Advocate for the  
Respondent (s)

**CORAM :**

THE HON'BLE MR. R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE MR. C.J.ROY : MEMBER (J)

(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(HRBS)  
M(A)

(HCSR)  
M(J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA 130/91.

Dt. of Order: 17-2-92.

K.Rangabhashyam

vs.

....Applicant

1. The Union of India, rep. by its Secretary, Ministry of Finance, North Block, New Delhi.
2. The Chief Commissioner of Income-Tax, Andhra Pradesh, Hyderabad.

....Respondents

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Counsel for the Applicant : Sri G.V.R.S.Varaprasad

Counsel for the Respondents : Sri Naram Bhaskar Rao, ~~Ad Case.~~

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CORAM :

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI C.J.ROY : MEMBER (J)

(Order of the Division Bench delivered by Hon'ble Sri R.Balasubramanian, Member (A) ).

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Sri G.V.S.R.Varaprasad, learned counsel for the applicant and Sri Naram Bhaskar Rao, learned counsel for the Respondents are present and heard. The prayer in this application is to quash the order dt.8-8-90 and to declare that the applicant is entitled for arrears of pay and allowances in the cadre of Commissioner of Income-tax from 22-12-88 to 19-4-90. The arrears were specifically withheld by the impugned order dt.8-8-90 issued by the Respondents. Consequently to the total exoneration of the applicant, he was promoted with retrospective effect and his seniority duly protected. The case of the applicant is that arrears of the

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salary have not been paid to him following the notional promotion. The learned counsel for the applicant draws our attention to the judgment of the Hon'ble Supreme Court in AIR 1991 SC 2010. The Respondents have filed their para wise comments and they relied upon Rule 17(1) of the S.R. for denying the arrears of pay to the applicant. We find from para-7 of the Judgment of the Hon'ble Supreme Court that the normal rule of 'no work no pay' is not applicable to cases where the applicant had been totally exonerated. The Supreme Court had further held that for this purpose the Rule 17(1) of the FRSR will also be inapplicable. It is further decided by the Supreme Court that however, whether the officer concerned will be entitled for any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so to what extent, will be decided by the concerned authority by taking into consideration all the facts and circumstances of the disciplinary proceedings/criminal prosecution. Where the authority denied the arrears of salary or part of it, it should record the reasons for doing so.

2. Hence following the above decision we direct the respondents to decide whether or not the arrears either in full or in part should be paid taking into consideration all the facts and circumstances of the Disciplinary/Criminal

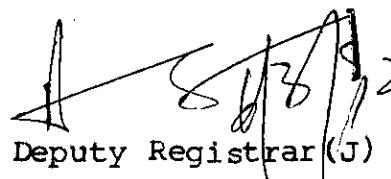
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proceedings. The authorities shall complete this exercise within a period of three months from the date of receipt of this order. The application is disposed-of thus with no order as to costs.

R.Balasubramanian

(R.BALASUBRAMANIAN)  
Member (A)

(C.J.ROY)  
Member (J)

  
Deputy Registrar (J)

Dated: 17th February, 1992.  
Dictated in Open Court.

avl/

To

1. The Secretary, Union of India, Ministry of Finance, North Block, New Delhi.
2. The Chief Commissioner of Income-tax, A.P. Hyderabad.
3. One copy to Mr.G.V.R.S.Varaprasad, Advocate, 113/3RT, Vijayanagar colony, Hyd.
4. One copy to Mr.Naram Bhaskar Rao, Addl. CGSC. CAT.Hyd.
5. One spare copy.

pvm

2/2/92  
P.M.

(3)

1. TYPED BY

2. CHECKED BY

3. COMPARED BY

4. APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

THE HON'BLE MR.P. BALASUBRAMANIAN : M(A) ✓

AND

THE HON'BLE MR.T. CHANDRASEKHAR REDDY :  
M(JUDL) ✓

AND

THE HON'BLE MR.C.J. ROY : MEMBER(JUDL) ✓

DATED: 17-2-1992 ✓

ORDER/JUDGMENT:

R.A/C.A/ M.A.N.

in

O.A.No.

130/91 ✓

T.A.No.

(W.P.No. )

Admitted and interim directions  
issued.

Allowed

Disposed of with directions. ✓

Dismissed

Dismissed as withdrawn

Central Administrative Tribunal

Dismissed for Default. DESPATCH

M.A. Ordered/ Rejected

No order as to costs. ✓

pvm.

HYDERABAD BENCH

*O. J. P. 17-2-1992  
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