

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

ORIGINAL APPLICATION NO.1160/91

DATE OF JUDGEMENT 21. 2. FEB., 1992

BETWEEN

Sri B. Satti Babu .. Applicant

AND

The General Manager,  
India Government Mint,  
Mint Compound  
Hyderabad

.. Respondent

Counsel for the applicant : Smt S. Thripura Sundari

Counsel for the respondents : Sri N.R. Devaraj, Addl. CGS

CORAM:

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

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( JUDGEMENT OF THE SINGLE MEMBER BENCH DELIVERED BY

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

This is an application filed under  
Section 19 of the Administrative Tribunals Act,  
by the applicant herein for <sup>a</sup>direction to the  
respondents to pay him the salary in the promotional  
scale from 1.10.1989 with all consequential benefits.

2. The facts giving rise to this OA are  
as follows.

T. C. R.

3. The applicant herein seems to have been involved in some altercation with his employee due to which he was placed under suspension contemplating disciplinary proceedings. Actually the applicant seems to have been suspended as per the orders dated 10.6.1989 by the Competent Authority. As disciplinary proceedings were contemplated as against the applicant, 'sealed cover' procedure had been followed and the recommendations of the departmental Promotion Committee were kept in a sealed cover.

4. However, on the plea of the applicant regretting for the said incident, the applicant had been <sup>cautioned</sup> ~~continued~~ as per the orders dated 18.9.1990 to be more careful in future. As no departmental proceedings were initiated against the applicant, the recommendations of the Departmental Promotion Committee were given effect to. While giving effect to the ~~the~~ <sup>the</sup> ~~Departmental~~ <sup>Departmental</sup> Promotion Committee, in the promotional post <sup>the</sup> ~~the~~ pay scale, ~~the pay~~ of the applicant had been fixed notionally w.e.f. 1.10.1989 onwards. Aggrieved by the said order of fixing his pay notionally in the promotional scale from 1.10.1989, the applicant has filed the present OA for the relief as already indicated above.

5. Sri Venkatachalapathi for Smt Tripura Sundari, Advocate for the applicant and Sri N.R.Devaraj, Advocate for the respondents are present. Heard both sides.

T. C. R.

Copy to:-

1. The General Manager, India Government Mint, Mint Compound, Hyderabad.
2. One copy to Smt. S.Thripura Sundari, advocate, CAT, Hyd-bad.
3. One copy to Shri. N.R.Devaraj, Addl. CGSC, CAT, Hyd.
4. One spare copy.

Rsm/-

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6. In AIR 1991 Supreme Court Page No.2010 in Union of India, etc., Appellants Versus Sri KV Janakiraman, etc., respondents, the Supreme Court had made it clear in a Departmental Enquiry when an employee is completely exonerated in criminal/disciplinary proceedings, he should not be deprived of any benefits including the salary of the promotional post and that the principle of "no work no pay" is not applicable in such cases. But, in this case even though the applicant has been issued a caution memo to be more careful in future, actually no departmental enquiry had been initiated against the applicant. And, as a matter of fact, for all purposes we can take that the departmental proceedings were dropped as against the applicant. In view of this position, it will be just and equitable to direct the respondents to pay him the salary in the promotional scale w.e.f. 1.10.1989 as prayed for by him.

6. In the result, we direct the respondents to pay the salary of the applicant in the promotional scale w.e.f. 1.10.1989 with all consequential benefits. The application is allowed accordingly with the said directions at the admission stage itself with no orders as to costs.

*T. Chandrasekhara Reddy*  
(T.CHANDRASEKHARA REDDY)  
Member(Judicial)

Dated: Twenty First February, 1992

(Dictated in the open court)

*Registration (Jud.)*