

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.2288 of 2015

Date of decision: 31.3.2016

Narinder Nath Sudan

... Petitioner

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. J.S. Maanipur, Advocate,
for the petitioner.

Dr. Puneet Kaur Sekhon, Addl.A.G., Punjab.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

1. Costs paid. Short affidavit filed in Court on behalf respondents No.1 to 3 is taken on record.

2. At this stage, Mr. Maanipur, learned counsel for the petitioner submits that this matter may be disposed of and I think he is right that it is capable of. Heard counsel for final disposal by consent.

3. The fact of the matter is that petitioner has been promoted with effect from the date his junior was promoted. The grievance stands redressed. However, the arrears of difference of salary have been denied by invoking the principle of 'no work, no pay' against the petitioner. It is well settled that this principle cannot be applied in cases of retrospective promotions to cure right deprivation suffered in the past when claim was wrongly ignored. There is sufficient judicial precedent to support the proposition including in Union of India v. K.V. Jankiraman, AIR 1991 SC

2010 as well the decision of the Division Bench of this Court in Karnail Singh v. Punjab State Electricity Board & ors., 2006(4) RSJ 671 by applying the law in Paluru Ramkrishnaiah v. Union of India, AIR 1990 SC 166 and *K.V. Jankiraman's case (supra)*, full salary will become available to the petitioner as a matter of right.

3. Consequently, this petition is allowed. The petitioner is held entitled to the arrears of difference of pay of the promoted post from the date the junior was promoted and till the date when he stands promoted at present to the higher post. Let the arrears be determined and paid to the petitioner within three months from the date of receipt of a certified copy of this order.

(RAJIV NARAIN RAINA)
JUDGE

31.3.2016
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