

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2018

CORAM

THE HON'BLE MR.JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR.JUSTICE KRISHNAN RAMASAMY

W.A.No.874 of 2013

R.Natarajan

.. Appellant

-vs-

- 1.The Director General
Central Industrial Security Force,
Block No.13, C.G.O's Complex,
Lodhi Road, New Delhi 110 003.
- 2.The Inspector General,
CISF, CISF Office Complex,
Boring Road, Patlipthra,
Patna 800 013.
- 3.The Deputy Inspector General,
Central Industrial Security Force,
HQ. CCL., Kargali, Jharkhand.
- 4.The Commandant, CIST Unit,
CCL., Kargali, Bokare,
Jharkhand.

.. Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 07.03.2013 passed in W.P.No.11075 of 2012 on the file of this Court.

W.P.No.11075 of 2012:-

Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to pass orders on the representation of the petitioner dt.15.10.2011 and to pay all benefits for the period from 14.12.97 to 31.03.2010 as per the order of the Honourable Supreme Court dated 25.07.2011 and the order of the 3rd respondent dated 02.09.2011

For Appellant : Mr.A.R.Mujibur Rahman
For Respondents : Mr.Venkataswamy Babu,
Spl. Panel Counsel, for RR 1 to 4

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J U D G M E N T

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

The matter lies in a very narrow compass. This is with respect to the incidental entitlement which the appellant claims by way of Child Education Allowance, Bonus, Leave Encashment, ACP and MACP.

2.The learned counsel appearing for the appellant would submit that the appellant is entitled for these payments. The learned counsel appearing for the respondents would submit that the appellant was paid the increment and 75% of the salary for the period in which he did not work admittedly as he was suffering from punishment of dismissal.

3.The appellant, in our considered view, is not entitled for the claim made. The Apex Court has merely stated that the appellant is entitled for 75% of the salary. The Division Bench of this Court has said that the principle of 'no work no pay' will have no application and therefore, the respondents are bound to pay the arrears of salary. Therefore, the order will have to be understood with respect to the salary alone. When we speak about the salary, it takes in its ambit the entitlement of increment also. Now, increment has been paid to the appellant. Though the learned counsel for the appellant has submitted that it is not clear as to whether increment is paid, the very claim of the appellant is itself for the other entitlement, such as bonus, leave encashment, etc. The said claim, as discussed above, the appellant is not entitled to, having not worked during the relevant period.

Therefore, we do not find any merit in this appeal. Writ Appeal is, accordingly, dismissed. No costs.

Sd/-

Assistant Registrar(CS IX)

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Sub Assistant Registrar

sra

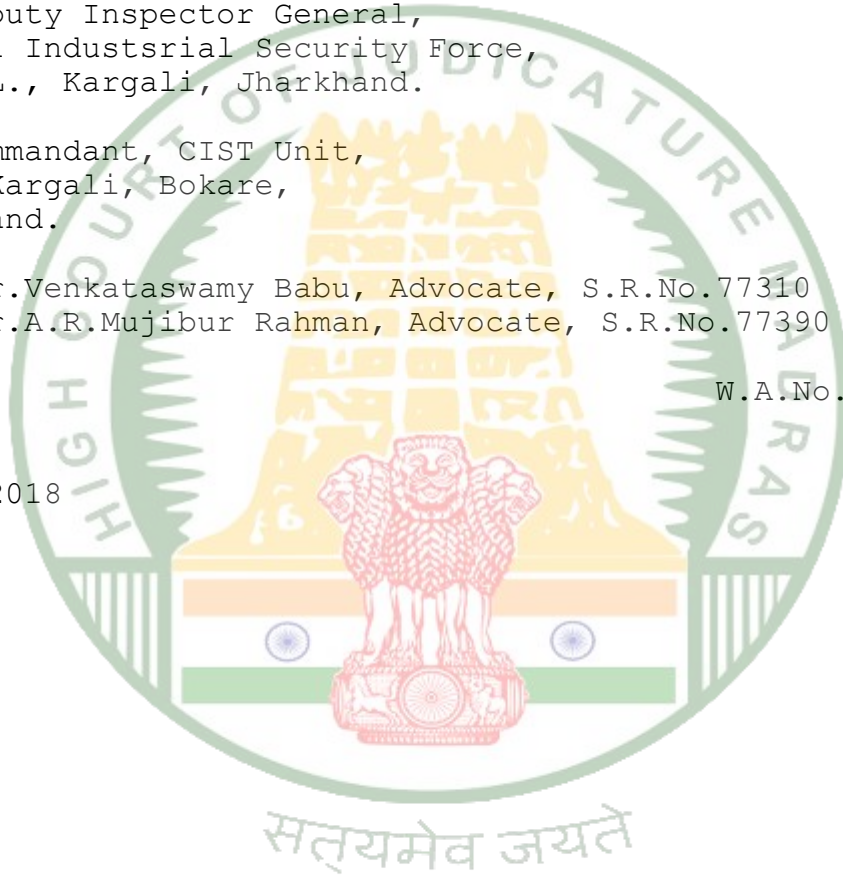
To

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4. The Commandant, CIST Unit,
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Jharkhand.

+1cc to Mr.Venkataswamy Babu, Advocate, S.R.No.77310
+1cc to Mr.A.R.Mujibur Rahman, Advocate, S.R.No.77390

W.A.No.874 of 2013

SS(CO)
CS/07/12/2018



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