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

**CWP-14240-2021(O&M)
Date of decision : 13.03.2026**

Sub Inspector Ashok Kumar

...Petitioner

Versus

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE DEEPINDER SINGH
NALWA**

Present: Mr. S.K. Redhu, Advocate for the petitioner.

Mr. Ravi Pratap Singh, DAG, Haryana.

DEEPINDER SINGH NALWA, J. (Oral)

In the present writ petition, the petitioner is praying for issuance of a writ in the nature of certiorari for quashing the orders dated 22.05.2019 (Annexure P-4) and 22.07.2019 (Annexure P-6) whereby the claim of the petitioner for grant of actual financial benefits from the date of grant of deemed date of promotion as officiating Sub Inspector w.e.f. 10.11.2015, has been rejected.

2. The brief facts of the case are that the petitioner was recruited as a Constable on 01.08.1985 and thereafter, he was promoted on the post of Head Constable w.e.f. 25.11.1999. The petitioner was further promoted on the post of officiating Assistant Sub Inspector w.e.f. 23.05.2007 and was confirmed on the abovesaid post w.e.f. 31.01.2010. Thereafter, the petitioner was further promoted on adhoc



basis on the post of Sub Inspector under the ORP Policy w.e.f. 10.03.2010 and was further promoted as Exemptee Sub Inspector on completion of 30 years of service w.e.f. 15.08.2015. It has been further pleaded that junior to the petitioner was brought on promotion list 'E' and was promoted on the post of officiating Sub Inspector w.e.f. 10.11.2015 ignoring the claim of the petitioner. Aggrieved against the action of the respondents in not considering the case of petitioner for promotion as officiating Sub Inspector w.e.f. the date his junior was promoted, petitioner filed a writ petition before this Court bearing CWP No.8094 of 2018. The abovesaid writ petition was partly allowed vide order dated 08.01.2019 (Annexure P-1). As per the said order, the order dated 16.10.2017 was set aside whereby the representation of the petitioner for grant of promotion as officiating Sub Inspector, was rejected. Further a direction was given to the respondents to promote the petitioner as officiating Sub Inspector w.e.f. 10.11.2015, keeping in view that the punishment of 'Censure' was given prior to the abovesaid date.

3. In light of the order dated 08.01.2019 (Annexure P-1) passed by this Court, the petitioner was promoted as officiating Sub Inspector w.e.f. 10.11.2015 and his seniority was fixed below one Sub Inspector Dushyant Kumar and above Sub Inspector Bhoop Singh. On being promoted as officiating Sub Inspector, the petitioner was granted all notional benefits, however, no actual financial benefits were granted by the respondents by applying the principle of 'no work no pay'.



4. Aggrieved against the abovesaid order dated 08.01.2019 (Annexure P-1) to an extent that the petitioner was not granted any actual financial benefits in spite of the fact that the petitioner was promoted as officiating Sub Inspector w.e.f. 10.11.2015, the petitioner filed a representation dated 18.06.2019 (Annexure P-5) wherein he submitted that there was no fault on the part of petitioner in regard to his promotion as officiating Sub Inspector w.e.f. the date his junior was promoted and the petitioner was ready and willing to work as officiating Sub Inspector, as such, the petitioner was entitled for actual financial benefits i.e. salary etc. w.e.f. 10.11.2015 till passing of the order dated 08.01.2019 (Annexure P-1) The representation dated 18.06.2019 (Annexure P-5) was duly considered by the competent authority and vide order dated 19.07.2019 (Annexure P-6), the claim made by the petitioner for grant of actual financial benefit was rejected on the ground that there was no provision for reviewing the order already passed by the same authority and it was advised to submit a representation before the next higher authority.

5. Aggrieved against the order dated 22.05.2019 (Annexure P-4) and order dated 19.07.2019 (Annexure P-6) to an extent that the petitioner was not held entitled for actual financial benefits on account of being given promotion as officiating Sub Inspector w.e.f. 10.11.2015, the petitioner has filed the present writ petition.

6. Learned counsel for the petitioner submits that a perusal of the order dated 08.01.2019 (Annexure P-1) passed by this Court in CWP No.8094 of 2018 would show that the petitioner was held entitled



to be promoted as officiating Sub Inspector w.e.f. 10.11.2015 i.e. from the date when his junior was promoted on the abovesaid post. In pursuance of the abovesaid order dated 08.01.2019 (Annexure P-1) passed by this Court, the petitioner was promoted as officiating Sub Inspector w.e.f. 10.11.2015 and notional benefits were granted to the petitioner i.e. seniority, refixation of pay etc. However, no actual financial benefits were given to the petitioner by applying the principle of 'no work no pay' by the respondents. He submits that as it was not the fault of the petitioner in regard to his promotion as officiating Sub Inspector, as such, the petitioner is entitled for grant of actual financial benefits w.e.f. 10.11.2015. It is also the case of learned counsel for the petitioner that consideration for promotion is a condition of service. As junior was granted promotion as officiating Sub Inspector w.e.f. 10.11.2015, it was mandatory on the part of the respondents to consider the case of the petitioner for promotion as officiating Sub Inspector. As the petitioner was not considered by the respondents, as such, on this ground also the petitioner is entitled for grant of actual financial benefits for the period from 10.11.2015 to 08.01.2019.

7. On the other hand, learned State counsel vehemently submits that as the petitioner had not actually worked as officiating Sub Inspector w.e.f. 10.11.2015 till the passing of the order dated 22.05.2019 (Annexure P-4), as such, the petitioner is rightly held not entitled for grant of any actual financial benefits for such period by applying the principle of 'no work no pay' in the case of petitioner.



8. I have heard learned counsel for the parties at length and perused the paper-book along with records.

9. The only issue involved in the present writ petition is whether the petitioner is entitled for actual financial benefits from the date the petitioner was promoted as officiating Sub Inspector w.e.f. 10.11.2015 till the passing of order dated 22.05.2019 (Annexure P-4).

10. It is well settled law that if there is no fault of an employee in respect of his promotion and the employee was wrongfully denied promotion because of the fault of the employer/Department, in that case, principle of 'no work no pay' will not be applicable and the employee will be entitled for grant of actual financial benefits. Reliance is made to the judgment passed by the Co-ordinate Bench of this Court in **CWP No.2946 of 2019** titled as **Chander Bhan Vs. State of Haryana and another, decided on 20.02.2026**. The relevant extract therefrom is reproduced hereunder:-

“11. The core issue that arises for consideration is:

Whether an employee who has been granted retrospective/deemed promotion on account of wrongful denial of promotion earlier is entitled to actual monetary benefits from the date his junior was promoted?

12. It is not disputed that the respondents, upon examination of the petitioner's representation, found him entitled to promotion from the dates his junior Satbir Singh was promoted. The grant of deemed dates of promotion is itself an acknowledgment that the petitioner was wrongly denied promotion earlier.

13. The delay in promotion is not attributable to any fault, misconduct, or disqualification on the part of the petitioner. Rather, it resulted from administrative



oversight or erroneous consideration by the department. The petitioner cannot be made to suffer for a lapse attributable to the employer.

Principle of No Work No Pay

14. Moreover, this court is sanguine to the fact that the principle of “no work no pay” is not an absolute rule. The Supreme Court in ***Union of India v. K.V. Jankiraman, (1991) 4 SCC 109***, authoritatively held that the normal rule of "no work no pay" is not applicable to cases where the employee although he is willing to work is kept away from work by the authorities for no fault of his. The Court specifically observed that the employee cannot be placed in a worse position merely because the administration committed an error.

15. Similarly, in ***State of Kerala v. E.K. Bhaskaran Pillai, (2007) 6 SCC 524***, the Supreme Court held that denial of monetary benefits would be unjust where promotion is delayed due to reasons beyond the control of the employee. The Court emphasized that retrospective promotion without financial benefits in such cases would amount to empty formality, while observing that:

Sometimes in the matter when the person is superseded and he has challenged the same before Court or Tribunal and he succeeds in that and direction is given for reconsideration of his case from the date persons junior to him were appointed, in that case the Court may grant sometime full benefits with retrospective effect and sometimes it may not. Particularly when the administration has wrongly denied his due then in that case he should be given full benefits including monetary benefit subject to



there being any change in law or some other supervening factors. However, it is very difficult to set down any hard and fast rule. The principle 'no work no pay' cannot be accepted as a rule of thumb. There are exceptions where courts have granted monetary benefits also. However, so far as present case is concerned, as per directions given by the Court, petitioner's case was considered and it was found that persons junior to him were appointed and he was wrongly denied.

16.. In “**Ramesh Kumar v. Union of India, (2015) 14 SCC 335**”, the Apex court reiterated that the doctrine of “no work no pay” has no application where the employee was willing and eligible to discharge higher duties but was prevented from doing so due to illegal action of the employer. The Court held that readiness to work coupled with wrongful exclusion is sufficient to attract entitlement to monetary benefits. Relevant extract of the same is as under:

“13. We are conscious that even in the absence of statutory provision, normal rule is "no work no pay". In appropriate cases, a court of law may take into account all the facts in their entirety and pass an appropriate order in consonance with law. The principle of "no work no pay" would not be attracted where the respondents were in fault in not considering the case of the appellant for promotion and not allowing the appellant to work on a post of Naib Subedar carrying higher pay scale.”

17. Also the Supreme Court in “**North Delhi Municipal Corporation v. Ram Naresh Sharma 2021 (3) SCT 538**” wherein it was observed that,



*“But, there is sufficient evidence on record to suggest that the respondent-doctor through several representations sought to be reappointed but it was the employer who created impediments and did not allow the respondent to re-join his duties in hospitals. In such circumstances, the principle of ‘No Work, No Pay’ cannot be raised by the employers, as it is they who had obstructed the doctor from discharging his service. For support we may cite **Dayanand Chakrawarthy v. State of Uttar Pradesh, (2013) 7 SCC 595** where this Court speaking through Justice S. J. Mukhopadhyaya rightly held that:*

"48. ... If an employee is prevented by the employer from performing his duties, the employee cannot be blamed for having not worked, and the principle of "no pay no work" shall not be applicable to such employee."

18. In the case at hand, the petitioner was eligible and entitled to promotion when his juniors were promoted. He was deprived of promotional benefits due to administrative lapse. His juniors drew higher pay for years. To deny him monetary benefits now, after acknowledging his rightful claim, would amount to allowing the State to take advantage of its own wrong.

19. The impugned clauses in orders dated 04.09.2020 and 12.11.2020 merely state that since the petitioner did not work on the promotional posts, he is not entitled to arrears. The orders do not consider the settled legal position laid down by the Supreme Court nor do they address the fact that the petitioner was wrongfully denied timely promotion. The reasoning is thus mechanical and unsustainable in law.



20. The State, being a model employer, is expected to act fairly. When it corrects an illegality by granting retrospective promotion, it must, as far as possible, restore the employee to the same financial position in which he would have been but for the wrongful act.”

11. Taking into consideration the fact that the petitioner was eligible and was entitled for promotion as officiating Sub Inspector w.e.f. 10.11.2015, however, he was deprived of the abovesaid promotion without his fault and it is only after the petitioner had approached this Court and on the basis of direction given by this Court vide order dated 08.01.2019 (Annexure P-1) to consider his case for promotion as officiating Sub Inspector w.e.f. 10.11.2015, the petitioner was given promotion as officiating Sub Inspector w.e.f. 10.11.2015 i.e. the date his junior was promoted. Once it is held by this Court that the petitioner is entitled for grant of promotion w.e.f. the date his junior was promoted, the petitioner cannot be denied actual financial benefits w.e.f. the date the petitioner was promoted as officiating Sub Inspector i.e. 10.11.2015 till the passing of the order dated 22.05.2019 (Annexure P-4). i.e. the date on which the petitioner was promoted as officiating Sub Inspector w.e.f. 10.11.2015.

12. Taking into consideration the abovesaid facts, it is held that the principle of ‘no work no pay’ will not be applicable in the case of petitioner. Accordingly, the impugned orders dated 22.05.2019 (Annexure P-4) and 22.07.2019 (Annexure P-6), denying the arrears of pay on the ground that the petitioner has not actually worked as officiating Sub Inspector w.e.f. 10.11.2015, are hereby set aside.



13. The respondents are directed to grant the petitioner all actual consequential financial benefits i.e. arrears of pay w.e.f. the date of grant of promotion as officiating Sub Inspector w.e.f. 10.11.2015 till the passing of the order dated 22.05.2019 (Annexure P-4). The entire exercise shall be completed within a period of three months from the date of receipt of certified copy of this order.
14. The present writ petition is allowed in the abovesaid terms.
15. Pending application(s), if any, shall also stand(s) disposed of.

13.03.2026	(DEEPINDER SINGH NALWA)	
<i>d.gulati</i>	JUDGE	
Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No