
(2014) 07 RAJ CK 0150
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2101/1997

Bhagwan Dass Goyal

APPELLANT

Vs

RSRTC

RESPONDENT

Date of Decision : 01-07-2014

Acts Referred:

Citation : (2014) 07 RAJ CK 0150

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Aniruddh Purohit, Advocate for the Respondent

Final Decision : Dismissed

Judgement

Dr. Vineet Kothari, J.—None present for the petitioner though name of Mr. C.S. Bissa is shown in the cause list.

2. Heard the learned counsel for the respondents.

3. The earlier round of litigation of the petitioner for promotion to the post of UDC in the respondent-RSRTC ended with the disposal of his D.B. Civil Misc. Application No. 91/1995-RSRTC V/s Bhagwan Das vide order dtd. 11.7.1996 passed by the Division Bench of this Court about the grant of monetary benefits if the case of the petitioner for promotion to the post of UDC is considered by the respondent-RSRTC in accordance with law. The Division Bench left it open for the respondent-employer to consider the case of the petitioner for promotion to the post of UDC and also the grant of consequential benefits in the form of monetary benefits. The respondent-RSRTC thereafter passed the order dtd. 2.9.1996 giving him the promotion to the post of UDC w.e.f. the year 1988 vide Annex. 3, but no monetary benefits were given to him on the basis of the principle of "No Work No pay" but assigned notional seniority w.e.f. 1988.

Being aggrieved by the non-grant of monetary benefits from the past date, the petitioner has again filed the present writ petition in this Court on 21.5.1997 with

the following prayers:

It is, therefore, prayed that an appropriate writ, order or direction may be issued and the respondents may be directed to pay all the consequential benefits of arrears of salary and other emoluments as a result of promotion to the post of Upper Division Clerk.

(b) order dtd. 2.9.96 (Annex. 3) be quashed and set aside and amount recovered be paid back with interest.

(c) the order dtd. 22.10.94 (Annex. 1) be modified to the extent of payer (a).

4. Having heard the learned counsel for the respondents Mr. Aniruddh Purohit, this Court is satisfied that non-grant of monetary benefits from the retrospective effect for about 8 years when the case of promotion of the petitioner to the post of UDC was considered by the respondent-RSRTC is justified in the circumstances of the case on the principle of "No Work No Pay". The petitioner has already been admittedly assigned the due notional seniority w.e.f. 24.9.1988 from which he claimed his promotion and after his promotion has been given the regular pay scale on the promoted post of UDC.

5. The writ petition has thus no merit and the same is liable to be dismissed.

6. The writ petition is accordingly dismissed. No order as to costs. A copy of this order be sent to the parties concerned forthwith.