

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No.6356 of 2019
(@ Special Leave Petition (C) No.15489 of 2019)

STATE OF UTTAR PRADESH & ANR.

Appellant (s)

VERSUS

RAAJVEER SINGH

Respondent(s)

O R D E R

1. Leave granted.

2. The respondent was employed as a constable in the U.P Police and was dismissed from service on the basis of a departmental inquiry as the allegation against him was of committing bigamy.

3. The order of dismissal dated 31.12.1996 was set aside by the U.P State Public Service Tribunal (for short "*the Tribunal*") on the ground that only a minor punishment should be inflicted upon the respondent. The respondent was reinstated in service on 14.08.2015.

4. A second round of litigation began by the respondent moving the Tribunal vide Reference Petition No.910 of 2016 claiming that for the period he did not attend work from 31.11.1996 to 14.08.2015 on account of dismissal he should be granted all the pays and allowances with interest as payable to him for this period of time and that the principle of no work no pay should not apply to him as he was not at fault. But aforesaid plea did not find favour with the Tribunal.

5. The respondent preferred a writ petition before the Allahabad High Court which however granted him the financial benefits for the aforesaid period vide order dated 9.01.2019 which has been impugned before us.

6. We have heard learned counsel for the parties.

7. We may note the fact that the order of the Tribunal giving relief to the respondent is confined to the issuance of reduction of punishment. The fact that the respondent may have been acquitted in the

criminal proceedings does not materially affect the present dispute before us. The direction passed by the Tribunal on 01.01.2013 was to the following effect:

"The liberty is granted to the respondent to consider awarding the minor punishment to the petitioner in the light of the provision made in the aforesaid judgments of the Hon'ble High Court and the comments made above in this judgment and order. The respondents must ensure the compliance with this order within four months from receiving the certified copy of the judgment and order."

The aforesaid relief is in the context where reinstatement with all back wages and interests were prayed for but that relief was not granted.

8. The aforesaid matter was not carried forward and it appears that both the parties were satisfied with the relief granted. The aforesaid relief has resulted in reinstatement of respondent in service on 14.08.2015.

9. We are thus of the view that in any subsequent proceedings, the same issue cannot be raised again, more so, when the direction was only for consideration of the case of the respondent for

reduction of punishment to minor penalty - which was done. The period for which the respondent did not work, we cannot direct payment of emoluments and principle of no work no pay would apply.

10. The appeal accordingly stands allowed and impugned order is set aside. The parties to bear their own costs.

11. Needless to say that after reinstatement whatever are the entitlements of the respondent excluding the aforesaid period i.e. from 31.11.1996 to 14.08.2015 would naturally be paid to the respondent. This observation is in the context of a plea by learned counsel for the respondent that the respondent has not been paid the emoluments thereafter.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[K.M. JOSEPH]

NEW DELHI,
AUGUST 16, 2019.

ITEM NO.48

COURT NO.8

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.15489/2019

(Arising out of impugned final judgment and order dated 09-01-2019 in WA No.7143/2018 passed by the High Court of Judicature at Allahabad)

STATE OF UTTAR PRADESH & ANR.

Petitioner(s)

VERSUS

RAAJVEER SINGH

Respondent(s)

Date : 16-08-2019 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Vinod Diwakar, AAG (U.P)
Ms. Garima Prashad, AOR

For Respondent(s) Mr. M.A. Chinnasamy, Adv.
Mr. Ashish Kumar Upadhyay, Adv.
Mr. Babul Kumar, Adv.
Mr. P. Abinesh Karthik, Adv.
Mr. P. V. Yogeswaran, AOR
Mr. Sarvesh Kumar Dubey, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal is allowed in terms of the signed order.

The parties to bear their own costs.

Pending application(s), if any, shall also stand
disposed of.

(POOJA ARORA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file)