

**2023 STPL(WEB) 19 SC
SUPREME COURT OF INDIA**

(VIKRAM NATH AND SANJAY KUMAR, JJ.)

UNION OF INDIA AND OTHERS

Appellant

VERSUS

GHAMMAN SINGH

Respondent

Civil Appeal No. 3187 of 2019 with Civil Appeal No.3190 of 2019 Civil Appeal Nos.3191-3193 of 2019-Decided on 07-06-2023

Service Law – Back Wages not allowed as per policy - Set aside

Advocate(s): Mr. Tushar Mehta, Solicitor General (NP), Mr. K M Nataraj, A.S.G. (NP), Mr. Rajan Kumar Chourasia, Advocate, Ms. Rekha Pandey, Advocate, Mr. Sharath Nambiar, Advocate and Mr. Arvind Kumar Sharma, Advocate, for the Appellant;
Mr. Ankur Chhibber, Advocate and Mr. Anil Kumar Gautam, Advocate, for the Respondent.

ORDER

1. We have heard Mr. Rajan Kumar Chourasia and Ms. Rekha Pandey, learned counsel, appearing for the appellant(s) and Mr. Ankur Chhibber, learned counsel, appearing for the respondent(s).
2. The only issue which requires consideration is as to whether arrears of salary is to be paid to the respondent(s) or not.
3. The submission of the learned counsel for the appellant(s) is that in view of the policy laid down vide Circular dated 02.06.2012 and the subsequent corrigendum dated 14.08.2012, the only benefit extended to the respondent(s) was of relaxation and promotion with the specific rider that no back-wages would be paid.
4. It is, however, submitted that the judgment(s) and order(s) of the High Court are subsequent to the aforesaid policy decisions and there was no challenge made to this policy decision by the respondent(s).
5. The submission is that in view of the above, the respondents would not be entitled to any arrears. However, they have already been extended benefit of promotion and notional fixation of their salary has also been made and, in case, there is any lacuna in fixation of their salary, the respondents would be free to point out, which will be duly addressed by the appellant(s) as per law.
6. In view of the above, these appeals succeed to the extent that the back-wages awarded by the High Court under the impugned judgment(s) and order(s) is set aside. Rest of the order is maintained.
7. The appeal(s) are disposed of in the above terms.
8. Pending application(s), if any, shall stand disposed of.
