

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2653 of 2015

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1. Shiv Nandan Das son of resident of Village - Naharpur, P.O. - Kajara, P.S. - Sambhuganj, District - Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The D.G.cum I.G. of Police, Bihar, Patna.
3. The Zonal I.G., Patna Zone, Patna.
4. The D.I.G. of Police, Central Range, Patna.
5. The Sr. Superintendent of Police, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar Choudhary

For the Respondent/s : Mr. GP20- NADEEM SERAJ

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 13-04-2015

13.04.2015

Heard learned counsel for the parties.

If the petitioner has escaped the punishment of dismissal by indulgent view taken by appellate authority, when it is an established fact that the charges brought against the petitioner on entering into matrimony a second time in breach of the service rules is no longer a matter of dispute. He wants yet another indulgence now from the Court, for payment of salary for the period he stood dismissed.

The appellate authority has rightly taken a view that that period of dismissal will be treated as “no work no pay”, because dismissal order was not set aside on the ground of illegality, but on the ground of mercy

shown to the petitioner.

If the order of dismissal was set aside on the ground of illegality, the prayer which the petitioner is making could have been entertained, but that not being so, the principle of “no work no pay” will apply to him and no interference, therefore, is warranted with Annexure-2. Petitioner should thank his stars that he is still in service.

Writ application is dismissed.

(Ajay Kumar Tripathi, J.)

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