

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19235 of 2013

Vijay Kumar @ Bijay Kumar, Son of Late Deoki Rai, resident of Saristabad,
Western Tola, P.S. Gardanibagh, District- Patna.

.... Petitioner

Versus

1. South Bihar Power Distribution Company Ltd., Bidyut Bhawan, Baily Road,
Patna Through its Managing Director
2. The Managing Director, South Bihar Power Distribution Company Ltd. Bidyut
Bhawan, Baily Road, Patna
3. The Deputy General Manager (H.R.) South Bihar Power Distribution Company
Ltd., Patna Circle, Patna
4. The Electrical Superintending Engineer, Electrical Circle, Patna Circle, Road
No. 1, R' Block, Patna- 1
5. The Electrical Executive Engineer, Electric Supply Division, Fatuha, Patna
6. The Assistant Electrical Engineer, Electric Supply Sub-Division, Fatuha, Patna
7. The Junior Electrical Engineer, Electric Supply Section, Fatuha (Urban), Patna

.... Respondents

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Tiwary, adv.
: Mr. M.K. Singh, adv.
For the Respondent/s : Mr. Vinay Kirti Singh, adv.
: Mr. Ajay Kumar Gautam, adv.

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 08-08-2016

Heard learned counsel for the petitioner and learned
counsel for the State.

2. In this case, the petitioner is seeking relief for granting
the salary with effect from 13.02.2008 upto till date and also sought

a relief to allow him to join his service.

3. The petitioner has been appointed on compassionate ground as his father has died in harness. Claim has been made on behalf of the petitioner that neither any departmental proceeding has been initiated against him nor he has been put under suspension, but is not being paid any salary.

4. From the absentee report, attached by the petitioner himself with this petition, itself shows that the petitioner remained absent for about a year. In the counter affidavit, it has been stated that though he has been appointed on compassionate ground but he is very irregular and visit the office seldom only for the salary purposes and on that account he has not been paid the salary.

5. In reply, learned counsel for the petitioner submits that the petitioner was operated for *Harnia*, on that account he remained absent from the duty, but the learned counsel for the petitioner is unable to produce anything to show that the petitioner has ever informed his higher officials regarding the cause of his absence. The person will get the salary when he works. He cannot demand salary when he remained absent. In such circumstances, the principle of “no work no pay” will apply. But as the petitioner remained absent for about a year, can be a matter of misconduct but

when he has given his joining then the respondent authority should have accepted the same and would take action in accordance with law.

6. In such view of the matter, this Court directs the respondent-authorities to accept the joining of the petitioner, take appropriate action in accordance with law.

7. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	NAFR
CAV DATE	NA
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