

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2396 of 2014

=====

1. Md. Matiur Rahman S/O - Late Mojibur Rahman Resident Of : - Village And
P.O. - Koilwar, P.S. - Koilwar, District - Bhojpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Rural Work Department,
Vishweshwaraiya Bhawan, Bihar, Patna
2. Principal Secretary, Rural Work Department, Vishwaraiya Bhawan, Patna
3. Secretry, Rural Works Department, Government Of Bihar, Patna
4. District Magistrate, Nalanda
5. Deputy Development Commissioner, Nalanda
6. Block Development Officer, Rajgir Block, District - Nalanda
7. District Magistrate, Patna
8. Deputy Development Commissioner, Patna
9. Block Development Officer, Phulwari Block, District - Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. SANJAY PARASMANI

For the Respondent/s : Mr. GA1- S.K.SHARMA

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 05-01-2016

Heard learned counsels for the parties.

So long as the order, contained in Annexure-4 stands, coupled with the decision, which has now been issued in favour of the petitioner, contained in Annexure-8, the respondent - authorities have been more than indulgent towards the petitioner by taking a lenient view of his omission and commission. If a government servant has not performed duty, for which he has been punished, he cannot beget salary as a matter of course. The authorities have rightly held it to be a case of "no work no pay". The apprehension of the petitioner earlier expressed that if that period is

not regularized, then it will amount to break in service by virtue of Annexure – 8 that petitioner stands regularized, which will help the petitioner at the time of his superannuation, but surely that work order of regularization cannot be interpreted further to even give him salary, because he has absented himself and not performed his duty for the period in question.

In view of the aforesaid facts and circumstances, writ application is dismissed.

Let the petitioner avail the advantage of Annexure – 8.

(Ajay Kumar Tripathi, J)

SKM/-

U			
---	--	--	--