

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8947 of 2014

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Shiv Bachan Singh son of late Radha Mohan Singh resident of Mohalla - Koeribari,
P.S. Civil Line, District – Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Divisional Commissioner Magadh Division, Gaya
2. The Divisional Commissioner Magadh Division Gaya
3. The Regional Development Officer, cum Joint Transport Commissioner, Gaya
4. The Collector, Gaya
5. The Sub - Divisional Officer, Gaya
6. The Block Development Officer, Atari, District - Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad

For the Respondent/s : Mr. GP28- SMT.GEETA KUMARI

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 23-11-2016

Since the petitioner was unauthorizedly absent, it led to initiation of a departmental proceeding and imposition of punishment of withholding two increments without cumulative effect.

2. So far as the period of unauthorized absence is concerned, petitioner cannot claim the benefit of salary because the principle of 'no work no pay' will kick in.

3. But the submission of the counsel for the petitioner that salary for the period, the petitioner remained in suspension, during the period of departmental enquiry, would be required to be paid minus the payments made under the subsistence allowance merits consideration. This is so because there was no order to withhold

salary for the period of suspension as part of the order of punishment.

4. The contention of the counsel for the petitioner seems to be correct. The period the petitioner was under suspension will be the period when he will be entitled to his salary minus the subsistence allowance and there is obligation upon the respondents to rework the liability and pay to the petitioner the amount for the period of suspension between 21.12.2005 to 16.03.2008. This must be done within a period of four months from the date of production of a copy of this order.

5. Writ stands disposed of with above observation and direction.

(Ajay Kumar Tripathi, J.)

S.Kumar/-

AFR/NAFR	NAFR
CAV DATE	
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