

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.595 of 2015
Arising out of
Civil Writ Jurisdiction Case No. 235 of 2007**

=====

Ram Charitra Poddar, son of Late Bindeshwari Poddar, at present resident of
Village - Pokharia, P.S. - Begusarai, District – Begusarai

.... Petitioner / Appellant

Versus

1. The State of Bihar
2. The Commissioner, Munger Division-Munger
3. The Collector, Begusarai.
4. The Block Development Officer, Sahebpur Kamal Block, P.S.- Sahebpur Kamal,
District- Begusarai.
5. The Block Development officer, Motihani Block, P.S.- Matihani, District-
Begusarai.

.... Respondents / Respondents

=====

Appearance:

For the Appellant/s : Mr. Onkar Nath, Advocate.

For the Respondent/s : Mr. AAG13.

=====

**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 18-07-2017

Heard counsel for the appellant and counsel for the
State.

The order under challenge is dated 11.07.2011 passed
by the learned Single Judge who had dismissed the Writ Application
refusing to pass any order or direction for payment of salary to the
petitioner - appellant for the period he was dismissed from service on
the principle of “No Work No Pay”.



The appellant was proceeded departmentally and on findings recorded against him, the disciplinary authority, i.e., the District Magistrate, dismissed him from service. In the appeal preferred against the said decision before the Divisional Commissioner, Munger, the Divisional Commissioner interfered with the order of dismissal on the ground of the punishment being disproportionate to the allegations and charges, therefore, decided to reinstate him in service but very clearly recorded in his order that the petitioner does not stand exonerated as such of the charges which were brought against him. He also passed an order that the period of dismissal will be treated as “No Work No Pay”.

Neither the learned Single Judge nor the Divisional Commissioner order can be said to be bad which is required to be interfered with because the appellant has not been exonerated. Only on the ground of proportionality he was reinstated in service but that in no way gives him a clean-chit with regard to his conduct which led to his dismissal.

If it was a case of clean acquittal then the concept of compensation for the period of removal and payment of salary could have come into play but since it is not one of those cases, the appellant should be happy to have got back the job and having managed to superannuate in the year 1999 being an ex-government



servant and not a dismissed government servant.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Dilip, AR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.07.2017
Transmission Date	N/A

