

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 3019 of 2016

- Chitranjan Prasad Yadav S/o Damodar Prasad Yadav, Aged About 40 Years, Presently Posted as Assistant Grade- 2, Government Surajmal Higher Secondary School, Bilha, District Bilaspur (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, New Raipur, P. S. Rakhi, District Raipur (Chhattisgarh)
2. The Collector, Bilaspur, District Bilaspur (Chhattisgarh)
3. The District Education Officer, Bilaspur, District Bilaspur (Chhattisgarh)
4. The Block Education Officer & Assistant District Commissioner Scout, Bilaspur, District Bilaspur (Chhattisgarh)
5. The Principal, Government Surajmal Higher Secondary School, Bilha, District Bilaspur (Chhattisgarh)

---- Respondents

For Petitioner	Shri K. K. Singh, Advocate
For Respondent-State	Shri Arvind Dubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

01/05/2017

1. The petitioner is aggrieved by non payment of salary from December 2014 to 20.09.2015.
2. At the relevant time, the petitioner was posted as Assistant Grade-III in the District Collectorate, Bilaspur. On 05.04.2012, the

petitioner was relieved to join at the Gram Suraj Branch in the Collectorate. However, despite completion of the gram suraj work, the petitioner allegedly did not return back to his original place of posting, but was withdrawing salary without doing any work, therefore, from December 2014 onwards, his salary was stopped.

3. Learned State counsel would submit that the petitioner was repeatedly directed to submit proof of performing duties after the work of gram suraj was over in April 2014, however, on his failure to do so, the salary for the relevant period has been stopped on the basis of principle of 'No Work No Pay'.
4. On perusal of the papers, it would clearly appear that the petitioner was never served with any show cause notice nor was subjected to enquiry when he remained unauthorizedly absent from duties or despite attending the office was not doing any work, as he did not report to the original place of posting. Salary of a government servant cannot be stopped by an administrative order or by an oral order on the basis of note-sheet written by the office. If the Authority was of the view that the petitioner remained unauthorizedly absent, it was open to initiate departmental enquiry against the petitioner, however, instead of doing that, salary has been stopped without conducting any enquiry. Moreover, as informed to this Court, the petitioner has been promoted to the post of Assistant Grade-II in the year 2016.
5. Considering the entire facts situation of the case, the writ petition is disposed of with direction to the respondents to proceed in the matter in accordance with law and decide the same within 3

months. Meaning thereby, during the period of next 3 months, if the Authority desires to initiate any enquiry for stoppage of salary, it will remain open for them, however, if no enquiry is initiated against the petitioner within next 3 months from today, the entire salary for December 2014 to 20.09.2015 shall be paid to the petitioner within next one month.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala