

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.19049 of 2011 (O&M)
Date of Decision:-08.05.2017.

Kiran Bala and others

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Ms. Anu Chatrath, Senior Advocate with
Ms. Divya Khanna, Advocate for the petitioners.

Mr. R.K. Doon, AAG, Haryana.

P.B. BAJANTHRI, J. (Oral)

CM-6341-CWP-2017

CM for placing on record affidavit of Garima Mittal, Director Elementary Education, Haryana, Panchkula is allowed subject to all just exceptions for the reasons stated in the application as well as affidavit.

CWP No.19049 of 2011

The petitioners have questioned the order dated 31.3.2010 (Annexure P-8) by which they have been denied the monetary benefits during the intervening period from the date of termination till reinstatement.

The petitioners' service particulars reads as under:-

<i>Sr. No.</i>	<i>Name of Petitioner with designation</i>	<i>School</i>	<i>Date of joining</i>	<i>Date of relieving from service</i>	<i>Reason therein</i>
1	Kiran Bala, Skt. Tr.	GMS Jatpura	22-10-97	23-05-98	On Joining of regular incumbent
2	Usha Rani, Skt. Tr.	GHS Naraina	23-10-97	29-05-98	-do-
3	Jyoti Arya, Skt. Tr.	GHS Basdhara	28-01-97	26-04-97	-do-
4	Monika Gautam, Skt. Tr.	GHS Padhana	22-10-97	19-05-98	-do-

Petitioners preferred separate writ petitions before this Hon'ble Court praying therein for their re-joining in service. The details are reproduced as under:

<i>Sr. No.</i>	<i>Name of Petitioner with designation</i>	<i>CWP No. with date of decision</i>	<i>Date of re-joining</i>	<i>School</i>
1	Kiran Bala, Skt. Tr.	7202 of 2002, 08-05-2002	02--08-2002	GHS Staundi
2	Usha Rani, Skt Tr.	17927 of 2002, 12-11-2002	28-11-2002	GGSSS Gangatheri
3	Jyoti Arya, Skt. Tr.	19797 of 2002 13-12-2002	10--04-2003	GHS Chor Kharsa
4	Monika Gautam, Skt. Tr.	610 of 2003, 16-01-2003	18-04-2003	GHS Shahpur

The petitioners' services were dispensed in the year 1997-1998 which were subject matter of CWP Nos.7202 of 2002, 17927 of 2002, 19797 of 2002 and 610 of 2003 which were disposed of in the year 2002 -03 on various dates stated supra and so also their date of rejoining service by virtue of Court order in the year 2002-03. In view of the above facts and circumstances, whether the petitioners are entitled for monetary benefits during the intervening period from the date of termination till rejoining or not is the question for consideration. The respondents denied that the petitioners are not entitled on the principle of no work no pay. The respondents prevented the petitioners in discharging the duties. In other

words their services have been terminated/dispensed. Therefore, the principle of no work no pay do not arise having regard to the fact that the order of termination has been set aside in the writ petitions cited supra. Consequently, Annexure P-8 dated 31.3.2010 is set aside. The competent authority is hereby directed to extend monetary benefits to the petitioners during the intervening period from the date of termination till reinstatement. The same shall be calculated and disbursed within a period of 3 months from today.

Petition stands allowed.

(P.B. BAJANTHRI)
JUDGE

May 08, 2017.
sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.