

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11903 of 2013

=====

Anil Kumar S/O Late Jagdish Prasad Resident Of Kamla Bhavan, At P/O Harnaut,
(On Ranchi Road), P.S- Harnaut, District- Nalanda.

.... Petitioner/s

Versus

1. The State Of Bihar Through The Additional Director General Of Police,
Railway, Bihar, Patna, Old Secretariat, Patna.
2. The Additional Director General Of Police (Head Quarter), Old Secretariat,
Patna.
3. The Deputy Inspector General Of Police, Railway Bihar, Patna, Pant Bhawan,
Patna.
4. The Superintendent Of Police (Rail), Rail District- Katihar.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Advocate
Mr. Ajay Kumar, Advocate
For the State : Mr. Rakesh Prabhat, AC to SC 21

=====

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 06-07-2018

Heard learned counsel for the petitioner and the
respondent State.

2. The petitioner has challenged the order dated
22.11.2012 to the extent that the period from 08.11.2010 to
06.08.2012 has been treated as extra ordinary leave, and for the said
period, on the principles of 'no work no pay' the petitioner has been
deprived of salary.

3. The order dated 06.08.2012 passed in C.W.J.C. No.
6105 of 2011 is relied upon by the petitioner in support of his claim.
By the said order, the order of compulsory retirement dated



08.11.2010 has been set aside on the grounds of being without assigning any reasons. The petitioner was thereafter, taken back in service under order dated 22.11.2012 which is impugned in the instant writ petition. The Deputy Inspector General of Police, Railway, Bihar issued letter bearing memo No. 298. Period between 08.11.2010 i.e., the date on which he was compulsory retired till 06.08.2012 i.e., the date on which this Court had set aside the order of compulsory retirement, has been treated as extra ordinary leave and on the principles of 'no work no pay' the petitioner has not been paid any salary.

4. On going through the order dated 06.08.2012 passed in C.W.J.C. No. 6105 of 2011, this Court would find that there was no direction with regard to payment of salary for the period during which the petitioner had continued to be out of service by affect of the order of compulsory retirement.

5. No fault can be found in the order dated 22.11.2012 to the extent the same does not allow the petitioner any salary for the period when he did not work on the principle of 'no work no pay'.

6. The writ petition is devoid of any merit and the same is dismissed.

(Madhuresh Prasad, J)

Prakash/-

AFR/NAFR	
CAV DATE	
Uploading Date	09.07.2018
Transmission Date	

