

HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 790 OF 2016

• Sagun Ram Hirwani, S/o Shriram Chandra Hirwani, aged about 63 years, retired Lecturer, R/o Village-Gokna, Police Station- Gandai, Civil & Revenue District- Rajnandgaon (C.G.) **... Petitioner**

versus

1. State of Chhattisgarh, through the Secretary, Education Department, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
2. State of Chhattisgarh, through the Secretary, Pension Committee, Mahanadi Bhawan, New Raipur, District Raipur (C.G.)
3. The Director, Lok Shikshan Sanchanalay, Indrawati Bhawan, New Raipur, District Raipur (C.G.)
4. The District Education Officer, Rajnandgaon, Dist. Rajnandgaon (CG) **... Respondents**

For Petitioner	:	Mr. Ravi Maheshwari, Advocate.
For Respondents	:	Mr. Ashutosh Pandey, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

03/05/2018

1. The present is a second round of litigation and the claim of the Petitioner stands restricted to the grant of salary between the period 26.3.2013 to 31.1.2014 the period which has been declared as 'no work no pay' by the Respondents.
2. Facts of the case are that the Petitioner was working as Headmaster at the Government Higher Secondary School Ataria Road, Block Chhuikhadan, District Rajnandgaon when he was promoted to the post of Lecturer vide order dated 19.7.2012 and was posted at the Government Higher Secondary School Thandhar, Block Chhuikhaddan, District Rajnandgaon on which post the Petitioner is said to have resumed his duties. Meanwhile, the said order of promotion dated 19.7.2012 stood cancelled and before the same could had been challenged, the Petitioner attained the age of superannuation on 31.1.2014. It is said that since the Petitioner thereafter has not worked anywhere the service of the Petitioner

was placed under suspension and he continued to remain under suspension till he retired from service on 31.4.2014.

3. Learned Counsel for the Petitioner had filed a writ petition on an earlier occasion that was Writ Petition No. 4173/2014 which stood disposed of on 21.8.2014 directing the matter of the Petitioner to be placed before the High Power Pension Committee constituted by the State Government. The High Power Pension Committee considered the case of the Petitioner and submitted its report on 25.6.2015 after which the Petitioner was released of all the pensionary benefits and retiral dues payable to him on the post of Principal except for the salary during the period between 26.3.2013 to 31.1.2014. The salary for the said period was not provided for the reason that the Petitioner had not worked either at Government Higher Secondary School Ataria Road or at the Government Higher Secondary School Thandhar.

4. Learned Counsel for the Petitioner in the present case supports his claim with the attendance register verified by the Sarpanch which cannot be presumed to be authentic. The attendance register ought to have been verified and enquired into by the Principal of the school where the Petitioner is said to have discharged his duties during the intervening period.

5. The Respondents along with their reply have produced the attendance register maintained at Government Higher Secondary School Thandhar, which shows that during the intervening period the Petitioner has remained absent and has not discharged his duties. This register produced by the Respondent-State stands verified by the Principal of the Government Higher Secondary School Thandhar.

6. Given the aforesaid facts and circumstances of the case, this Court does not find any strong material produced by the Petitioner with which it could be said that the order of 'no work no pay' applied by the Respondents is erroneous or bad in law in any manner.

7. The writ petition being devoid of merits the same deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge

/sharad/