

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23132 of 2018

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Sunil Kumar Sudhakar, son of Ram Charitra Das, Resident of Village-
Bibhutipur, P.S. Bibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Government of Bihar, Patna- 1.
3. The Director, Primary Education, Govt. of Bihar, Patna- 1.
4. The Deputy Director, Primary Education, Bihar, Patna- 1.
5. The District Programme Officer, Ujayarpur, Samastipur.
6. The Block Education Officer, Ujayarpur, Samastipur cum Secretary Block Teachers Employment Committee
7. The Headmaster, Primary School Chaita Bastri (South), Ujiyarpur Anchal-Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek, Advocate
For the Respondent/s : Mr. Prabhakar Jha, GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 17-10-2019 Heard learned counsel for the petitioner and the respondents.

The grievance of the petitioner in the present writ application is non-payment of salary for the period, the petitioner was kept out of service.

Learned counsel for the petitioner submits that earlier order of termination of the petitioner was set aside by this Court and remitted back the matter to the Principal Secretary, Department of Human Resources. He submits that the Principal Secretary, Education Department, vide order dated 02.11.2012



(Annexure-2) allowed the claim of the petitioner and thereafter the petitioner has been reinstated on 05.01.2013 and thereafter he is regularly discharging his duty and getting salary, but he has not been paid salary for the period 23.01.2012 to 04.01.2013.

Learned counsel for the petitioner submits that the petitioner is entitled to payment of salary for the period, the petitioner was kept out of service illegally and arbitrarily.

Learned counsel for the State submits that the petitioner has not worked for the aforesaid period and therefore, he was not entitled for payment in the concept of no work no pay.

The concept of no work no pay is not applicable in the instant case, as the petitioner was restrained illegally and arbitrarily. Accordingly, the writ application is allowed with a direction to the District Programme Officer (Establishment), Samastipur to take appropriate decision with regard to payment of salary for the period the petitioner was kept out of service illegally and arbitrarily.

It goes without saying that the respondent District Programme Officer (Establishment), Samastipur shall also see that the petitioner be paid salary for the period he has actually



worked after reinstatement.

Necessary decision with regard to payment of salary must be taken by the respondent District Programme Officer (Establishment), Samastipur within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the writ application stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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