

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12578 of 2014

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Mithilesh Kumar Singh S/o Awadhesh Singh R/o Village Sadahapur, P.O.-
Uspha, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Deputy Inspector General of Police, Railway, Bihar, Patna.
3. The Superintendent of Police, Railway, Muzaffarpur, District- Muzaffarpur.
4. The Deputy Superintendent of Police, Railway Officer, Sonepur, District Muzaffarpur.
5. The Officer In- Charge, Railway Police, Sonepur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra Mr. Deepak Kumar
For the Respondent/s	:	Mr.Nadeem Seraj, GP5 Ms. Shalini, AC to GP5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 24-06-2019 Heard counsel for the petitioner and counsel for the respondents-State.

Counsel for the petitioner submits that he has been deprived of 162 days' salary even though during said period, by virtue of paralysis, he could not attend his duty. He submits that in view of the fact that he was physically incapable, he should not be deprived of salary for the said period.

Admitted position is that upon availing four days' leave, petitioner was to report on 25.10.2012. He has thereafter reported his duty on 04.04.2013. At the relevant point of time, petitioner was Assistant Sub- Inspector posted in Government Railways Police.

Petitioner thereafter was subjected to a proceeding. On



account of his illness, enquiry report was submitted finding the petitioner not guilty of unauthorized absence because of his medical condition. On the principle of “ no work no pay” petitioner has not been paid salary for the admitted period of his absence and there is direction that period of absence should be regularized as extraordinary leave.

Since same is not by way of punishment, there is no occasion for this court to interfere with the said order as the department has itself directed for regularization of the period of absence as extraordinary leave.

It is also submitted by counsel for the petitioner that in view of his physical incapacity there is recommendation for removing the petitioner by allowing him compulsory retirement from service. Whether recommendation has been acted or not is not part of the instant proceedings as no averment has been made in the writ petition. Relief in respect of recommendation dated 18.07.2013 is premature as counsel for the petitioner submits that he has no instructions whether the recommendation has been acted upon.

Writ petition does not raise any issue for consideration and the same is dismissed.

(Madhuresh Prasad, J)

s.hassan/-

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