

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4972 of 2017

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Deepa Kumari Daughter of Sri Gajendra Jha, Resident of Village P.O.-
Maujhaura, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Director, Human Resources Development Department, Patna.
3. The District Education Officer, Darbhanga, District- Darbhanga.
4. The District Programme Officer, Darbhanga, District- Darbhanga.
5. The Block Education Officer, Benipur, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary
For the Respondent/s : Mr. Madanjeet Singh- GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 25-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

The grievance of the petitioner in the present writ application is non payment of salary for the period petitioner was restrained from work. The respondents have decided not to make payment of salary on the principles of no work no pay. The principles of no work no, pay applies in a situation where the incumbent has voluntarily not worked. It is not applicable where petitioner was restrained from working. In the instant case, the petitioner was restrained by the respondents and now taking advantage of their illegal act of restraining petitioner



from working, they cannot be allowed to deny salary to the petitioner on the alleged application of principles of no work no pay.

Considering the aforesaid, the writ petition is allowed and it is disposed of with a direction to the respondents to pay the salary of the petitioner for the period petitioner was arbitrarily and illegally kept out of appointment.

Necessary decision in this regard must be taken by the respondents preferably within a maximum period of 60 days from the date of receipt/production of a copy of this order.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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