

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3895 of 2012

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Smt.Ram Rati Devi Wife Of Late Ramu Das Ram Resident Of Village
Desrajpur Mahnar, P.S. Mahnar, District Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health Department, Government Of Bihar, Patna
3. The Director-In-Chief, Health Services, Govt. Of Bihar, New Secretariat, Patna
4. The Director, Health Services, Govt. Of Bihar, New Secretariat, Patna
5. The Civil Surgeon-Cum-Chief Medical Officer, Vaishali District Vaishali
6. The Incharge Medical Officer, Primary Health Centre, Mahnar, District Vaishali
7. The Incharge Medical Officer, Referral Hospital, Khajechand Chapra, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra Advt.
For the Respondent/s : Ms .Namrta Mishra Gp17

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 20-02-2020 Heard learned counsel for petitioner and learned
counsel for the Respondent- State.

The petitioner was terminated by the Respondent Authorities. The termination was assailed by her in a writ proceedings being CWJC No 5338 of 2003. The same was allowed in favour of the petitioner as an analogous case in the proceedings arising out of L.P.A. No. 946 of 2003. In compliance of the order dated 26.06.2006, passed in batch cases, the Authorities have reinstated the petitioner on



20.09.2007, under order of the Director-in-chief, Health Services, Government of Bihar.

The petitioner's grievance is that the petitioner was out of employment on account of her termination on 28.02.2003 till 11.12.2007 i. e. the day on which she submitted her joining after her reinstatement under order dated 20.09.2007. It is for this period that the petitioner is claiming arrears.

Learned counsel, representing the State, referring to the order of the reinstatement dated 20.09.2007, submits that the reinstatement was with a condition that for the period, the petitioner was out of service, she would not be paid anything on the principle of “ **no work no pay**”. The order of the LPA Bench whereby the petitioner's case was disposed off also did not contemplate grant of wages for the period the petitioner had remained out of service.

In the circumstances, this Court would observe that the petitioner has no enforceable claim for arrears for such a long period, for which, admittedly, she has not worked.

The writ petition is dismissed.

(Madhuresh Prasad, J)

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