

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 1480 of 2020**

Smt. Shilpa Gupta W/o Shri Akash Gupta Aged About 41 Years Working As Lecturer (Panchayat), Govt. Higher Secondary School, Padumsara, Block Saja, District Bemetara Chhattisgarh.

---- **Petitioner**

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Panchayat And Rural Development, Mantralaya Mahanadi Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
2. Commissioner-Cum-Director Department Of Panchayat And Rural Development, Directorate, Indravati Bhawan, Naya Raipur, Atal Nagar, District Raipur Chhattisgarh.
3. Chief Executive Officer Zila Panchayat, Bemetara, District Bemetara Chhattisgarh.
4. District Education Officer Bemetara, District Bemetara Chhattisgarh.
5. Block Education Officer Saja, District Bemetara Chhattisgarh.

---- **Respondents**

For Petitioner	:	Shri C.J.K. Rao, Advocate.
For State	:	Smt. Richa Shukla, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04/03/2020

Heard.

1. Grievance of the petitioner is that the petitioner was appointed as Shiksha Karmi Grade-I on 29/09/2010. Subsequently, due to medical ailment she was on leave from 14/09/2013 to 21/11/2016. After she got cured she joined the services on 29/11/2016 (Annexure P-5). On the basis of the order dated 25/11/2016 wherein petitioner's absent period was held to be 'No work no pay'. It is contended that as per policy of the State Government dated 30/06/2018 Shiksha Karmi who

has completed 8 years of service are entitled to be absorbed in education department, however the case of the petitioner is not been considered for regularization for the reason that she was absent from 14/09/2013 to 21/11/2016.

2. The record shows the similar issue has been decided in WPS No.5348/2019 the ratio laid down in the aforesaid in Paras 6 and 7 with respect to evaluating "No work no pay" as under :-

"6. The only effect of the order of "No work no pay" is that the petitioner would not be entitled for the monetary benefits attached to the post during the said period of absence and except for the said benefit, for all other practical purposed the period has to be treated as continuous service."

7. It is a settled position of law that unless there is a specific order of dies non being passed for a specific period, for all practical purposed the entire period has to be treated as continuous. "No work no pay" can never be treated a dies non and "No work no pay" also cannot be treated a break in service."

3. Considering the issue that has already been settled that the "No work no pay" cannot be treated as dies non or break in the service, the non-consideration of the petitioner for absorption inspite of having put in more than 8 years in service is bad in law. Accordingly, the respondents are directed to take a fresh decision on the claim of the petitioner for absorption in the Education Department in accordance with the circular of the State Government dated 30.06.2018 at the earliest preferably within a period of three months from the date of receipt of the copy of this order.

4. Accordingly, the petition stands disposed of.

Sd/-
Goutam Bhaduri
Judge