



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2020

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.17520 of 2015

WEB COPY

K.Selvarani

... Petitioner

Vs.

1.The District Collector,
Dindigul.

2.The Commissioner,
Oddanchatram Panchayat Union,
Oddanchatram,
Dindigul District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to disburse the arrears of monthly salary due to the petitioner from January 2015 till the date of filing of this Writ Petition and for disbursal of future salary due to the petitioner regularly

For Petitioner : Mr.S.Anand Chandrasekar

For Respondents : Mr.G.Arjunan
Govt.Advocate

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to disburse the arrears of monthly salary due to the petitioner from January 2015, till the date of filing of the Writ Petition.

2. The counter filed by the Commissioner, Panchayat Union, Oddanchatram reveals that as against the transfer order effected by the 2nd respondent, against the petitioner she filed a Writ Petition in W.P.(MD)No.18808 of 2014 and an interim stay was granted by this Court on 21.04.2014. The said Writ Petition was disposed of. Para 6 and 8 of the counter affidavit reads as follows:-

6". After interim order of stay on the transfer order dated 28.10.2014, the petitioner did not come to the Nutritious Meal Centre attached with Parappalaru Government Middle School and this centre is being run by Noon Meal Organizer without cooking assistant. But as on November 2014, the writ petitioner was duly disbursed salary for the period she rendered work and as on date the



petitioner did not even come for duty at Parappalaru Noon Meal Center attached with Government School Middle. When the petitioner not turned for duty from November 2014 and as on the date her place is lying vacant due to not attending of duty by the petitioner. But strangely the petitioner is filed the present writ petition, to disburse the arrears of monthly salary due to her from January - 2015 till date of filing writ petition and for disbursal of future salary due to her.

8. ... When the petitioner did not rendered any work, neither at Parappalaru Middle School nor at Gandhinagar Panchayat Union Middle School, Oddanchatram, she cannot make any claim for salary from the respondents for which she is not entitled. It is relevant to mention the roll of attendance which shows that the petitioner did not attend duty from November, 2014 to as on date...."

3. This Court is of the considered opinion that the salary for the period in which the petitioner has not served cannot be granted. The principle of 'no work no pay' is to be applied in such circumstances. Even if an order of transfer is challenged, till it is implemented, the employee is expected to work in the place from which she was transferred. It is not as if after an interim order an employee can remain unauthorizedly absent. Interim order is to be implemented by the Authorities concerned, failing which, the petitioner is at liberty to approach the Court. Contrarily, an employee, after getting an order of interim stay, cannot remain unauthorizedly absent without attending the duty. Till the order is implemented, the employee is expected to work in the old place or if relieved, in the new place.

4. In the present case, the petitioner has not worked in any place and therefore, now she cannot claim salary for the period she has not worked. As far as the period in which the petitioner served, the respondent states that the salary is settled. This being the factum, the Writ Petition deserves no further consideration and accordingly stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar(CS)



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Dindigul.

2.The Commissioner,
Oddanchatram Panchayat Union,
Oddanchatram,
Dindigul District.

+1 CC to SGP (SR-24673[F] dated 09/12/2020)

W.P. (MD) No.17520 of 2015

07.12.2020

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NR (18/12/2020) 3P : 4C