

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5027 of 2020**

Sunnar Lal Markam S/o Late Shri A.L. Markam, Aged About 59 Years
Presently Posted As Executive Engineer In The Office Of Chief Engineer,
Department Of Public Works, Nirman Bhavan, Atal Nagar, Nawa Raipur
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Department Of Public Works, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh
2. Engineer In Chief, Department Of Public Works, Nirman Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Malay Shrivastava, Advocate under instructions of Mr. Rajeev Shrivastava, Adv.
For State	:	Mr. Rahul Jha, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/01/2021**

1. The challenge in the present writ petition is to the part of Annexure P/1 dated 13.12.2019 whereby for the period between 18.09.2007 to 11.11.2010 the petitioner has been ordered not being entitled for any monetary benefits applying the principle of 'NO WORK NO PAY'.
2. The present is a second round of litigation. The earlier round of litigation was WPS No. 3553/2019, which was disposed of on 10.05.2019, wherein this Court had directed the respondents to consider the claim of the petitioner in respect of certain unpaid monetary dues payable to the petitioner. Pursuant to the aforesaid order passed by this Court in the aforementioned writ petition, the respondents have processed the claim of the petitioner and vide the

first part of Annexure P/1 dated 13.12.2019 all the unpaid dues payable to the petitioner has been released. At the same time the respondents have also passed an order against which the petitioner is aggrieved of on the same date i.e. 13.12.2019 wherein for the said period between 18.09.2019 to 11.11.2010 the petitioner would not be entitled for any monetary benefits.

3. Perusal of the said portion of the order would reveal that the Department as early as on 11.11.2010 itself while passing the order of promotion in favour of the petitioner from the post of Assistant Engineer to the post of Executive Engineer have categorically held that the petitioner would not be entitled for the monetary benefits for the said intervening period applying the principle of "NO WORK NO PAY". The said order dated 11.11.2010 has never been challenged by the petitioner and as such the said order has attained finality. The said order has also been acted upon by the petitioner with wide open eyes without any demur till now.
4. In view of the said order dated 11.11.2010 attaining finality in due course of time, the petitioner at this juncture cannot be permitted to rake up the issue, which has already been finalized almost a decade above.
5. For the aforesaid reasons, the writ petition being devoid of merit deserves to be and is accordingly dismissed.

Sd/-
(P. Sam Koshy)
Judge