



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.4837 of 2018

P. John Milton Easter Raj

...Petitioner

Vs.

The General Manager,
Pandiyan Grama Bank,
270-1, Collectorate Complex,
Administrative Office,
Virudhunagar District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent in proceedings AIVD/500/2017-18 dated 20.09.2017 and quash the same insofar as denial of back wages, as illegal and unconstitutional and consequently direct the respondent to grant the petitioner all service and monetary benefits from the date of dismissal I.e., 21.05.2014 till the date of his superannuation 29.02.2016, including his notional increments along with statutory interest.

For Petitioner : Mr.S.Balamurugan

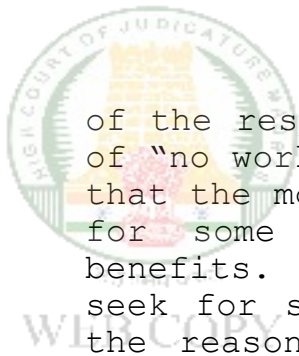
For Respondent : Mr.N.Dilipkumar,
Standing Counsel

O R D E R

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

2.Earlier, when the petitioner was dismissed from his service on 25.05.2014, the punishment came to be modified into reduction of pay to the next lower stage for the period of two years, pursuant to the order of the Hon'ble Division Bench of this court passed in W.A (MD) No.219 of 2016, dated 26.07.2017. The grievances of the petitioner is that while modifying the order, the respondent herein had denied his salary and other benefits till the date of his suspension.

3.The reasons assigned in the impugned order is that the petitioner would not be eligible for such monetary benefits on the principle of "no work and no pay". Admittedly, the petitioner did not work between the period of his termination and the date of superannuation and therefore, I find some justification on the part



of the respondent in denying the monetary benefits on the principle of "no work and no pay". This court has also taken note of the fact that the modification of the punishment would entitle the petitioner for some monetary benefits like gratuity and other terminal benefits. Since there is no legal right vested with the employee to seek for salary for the period when he had not actually employed, the reason assigned in the impugned order cannot be found fault with.

4. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-13082[F]
dated 23/03/2021)

+1 CC to M/s.S.BALA MURUGAN, Advocate (SR-13026[F]
dated 23/03/2021)

W.P.(MD) No.4837 of 2018

22.03.2021

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