

2023:PHHC:117177

**112 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

RSA-2272-1992 (O&M)
Date of decision: 05.09.2023

Haryana State through Collector Gurgaon, District Gurgaon and others

..Appellants

Versus

M.C.Madan

.Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Ms. Vibha Tewari, AAG, Haryana

Mr. Rajender Goel, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

1. This is the defendants' (State of Haryana's appeal) against the judgment passed by the First Appellate Court, while decreeing his suit for grant of decree of declaration that he is entitled to salary from 01.06.1989 to 09.08.1989. The respondent is a blind person, who was employed as Lecturer in Music in the Government College, Gurugram. Seven months before the date of his attaining the normal age of superannuation, he applied for extension in service, for a period of two years, as per the rules. The aforesaid extension was sanctioned by the Director of Higher Education, Haryana, on 28.07.1989 and thereafter, the respondent joined on 10.08.1989, after completing all the formalities including medical examination. During this period, the college was closed for summer vacation for the period from 01.06.1989 to 09.07.1989. The First Appellate Court has held that the respondent cannot be deprived of the salary for the aforesaid period as the delay in grant of extension was not on account of error on the part of the

respondent as he had applied for extension seven months before the date of his retirement.

2. Learned counsel representing the appellant submits that the respondent is not entitled to salary for a period of 2 months on the principle of ‘no work no pay’.

3. This Court has considered the submissions made by the learned counsel representing the parties. In this case, the principle of ‘no work no pay’ cannot be invoked, particularly when the delay was solely on the part of the officials of the State Government. Hence, no ground to interfere is made out.

4. Dismissed.

5. All the pending miscellaneous applications, if any, are also disposed of.

05.09.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE