



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO. 2254 OF 2018

(Jayantkumar s/o Ramchandra Daoo ..vs.. M.S.R.T.C. through the General Manager, Mumbai)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. M.M. Akhtar Jamal, Counsel for the petitioner,
Mr. V.H. Kedar, Counsel for the respondent.

**CORAM : NITIN W. SAMBRE &
ABHAY J. MANTRI, JJ.**

DATED : 26-03-2024

On 12-4-2018 after the petitioner was transferred, he has approached this Court and such transfer was stayed by this Court vide order dated 17-4-2018. Consequent thereto the respondent-employer has cancelled an order of relieving the petitioner with effect from 12-4-2018 pursuant to the said transfer order, and further directed that he be relieved on 13-8-2018 for joining at Nagpur.

2. In the aforesaid background, it is the case of the petitioner that he is entitled for the salary for the aforesaid period. The claim is resisted by Mr. Kedar, the learned Counsel appearing for the respondent on the ground that since the petitioner has not discharged his duty, he is not entitled for the salary by adopting principle of 'no work no pay'. We are unable to agree with the submissions made by the learned Counsel Mr. Kedar that even if the petitioner was transferred and

relieved on 12-4-2018, pursuant to the interim order passed by this Court on 17-4-2018 it has to be inferred that the order of transfer and relieving him remained stayed and not to be acted upon. Perhaps the aforesaid fact has prompted the respondent to cancel the order of relieving the petitioner from 12-4-2018 and issued a corrective order thereby relieving him with effect from 13-8-2018 as reflected from the order dated 13-8-2018 produced at Page No.24 of the petition.

3. That being so, we dispose of the petition as the petitioner is informed to be already superannuated.

4. We declare that the salary due and payable to the petitioner by the respondent for a period from 12-4-2018 till resumes his services i.e. 17-8-2018 pursuant to his relieving on 13-8-2018 be paid in any case within a period of three months from production of copy of this order. Such salary which is due and payable to the petitioner shall carry interest at the rate of 6% per annum.

5. Needless to clarify that since the petitioner is superannuated, the petitioner shall be entitled to the consequential benefits for the aforesaid period.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)