



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

DIWAN CHAND SHARMA

VERSUS

.....Respondent(s)

Learned counsel for the petitioner submits that the petitioner was relieved from service on 01.04.2021 but was reinstated on 08.09.2021

on the ground that the retirement age of the petitioner is 60 years, which he would have attained on 31.03.2023 and therefore, treating the work period from 01.04.2021 till 07.11.2021 as “**No Work No Pay**” is arbitrary and illegal.

Learned counsel for the respondent submits that in the present case, there was some ambiguity with regard to the retirement age of the petitioner. Though, it is conceded fact by the respondents that as per the Notification dated 19.02.2021, the retirement age of the physically disabled employee was enhanced from 58 years to 60 years.

Learned counsel for the respondent submits that once the petitioner has not discharged the duties from 01.04.2021 till 07.11.2021, the petitioner is not entitled for any benefit and the same has rightly been treated as “**No Work No Pay**”.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

Concededly on the date when the petitioner attained the age of 58 years on 31.03.2021, the Notification dated 19.02.2021 had already become operational so as to state that the retirement age of the specially abled employees was increased from 58 years to 60 years. The respondents were under obligation to grant the petitioner the benefit of retirement only on attaining the age of 60 years whereas, without complying with the Notification dated 19.02.2021, the petitioner was retired from service on 31.03.2021 on attaining the age of 58 years.

Realising their mistake, the petitioner was reinstated in service on 07.09.2021 so as to allow him to continue in service till the age of 60 years which fact is enough to show that relieving of the petitioner on

attaining the age of 58 years on 01.04.2021 was contrary to the Notification dated 19.02.2021.

As, the petitioner could not perform the duties of the post due to action of the respondents as he was restrained from working from 01.04.2021 till 07.09.2021, the petitioner cannot be punished for any arbitrary action or illegality committed on the part of the State hence, treating the period i.e 01.04.2021 till 07.09.2021 as “**No Work No Pay**”, is arbitrary and illegal action on the part of the respondents cannot cause prejudice to the petitioner hence, the respondents are directed to release the salary of the petitioner for the period from 01.04.2021 till 07.09.2021.

As, the petitioner was not allowed to work and thereafter, he was forced to litigate with the respondents to claim the salary, keeping in view the judgment of the Co-ordinate Bench of this Court in ***J.S. Cheema Vs. State of Haryana, 2014(13) RCR (Civil) 355***, the petitioner will also be entitled for interest at the rate of 6% per annum on the salary from the date it accrues till the same is actually paid which is to be released under this order.

Let the order be complied with within a period of 2 months from the receipt of copy of this order.

Present petition is allowed in above terms.

Pending application, if any, also stands disposed of.

14-10-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO