

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4381 OF 2014
[@ SPECIAL LEAVE PETITION (C) NO.15359 of 2011]

STATE OF U.P. & ANR. Appellant(s)

VERSUS

SANJEEV KUMAR CHAWLA Respondent(s)

WITH

CONTEMPT PETITION (C) NO. 224 OF 2012
IN
SPECIAL LEAVE PETITION (C) NO.15359 OF 2011

O R D E R

Leave granted.

Heard the learned senior counsel appearing for the appellants and the respondent, who has appeared in person, at length.

Learned senior counsel appearing for the appellants has fairly submitted that the appellants would not like to challenge the validity of the impugned Judgment so far as it pertains to reinstatement of the respondent. He has further submitted that looking at the conduct of the respondent throughout the inquiry proceedings, it would not be in the interest of justice to pay salary for the period during which he had not performed his duties. He has also submitted that the principle of 'No work, No Pay' should be followed in this case.

On the other hand, the respondent, who has appeared in person, has relied upon the Judgment of

a three-Judge Bench reported in AIR 1991 SC 2010 and has submitted that he should be paid salary for the period during which he was not permitted to work. He has made an effort to find fault with his employer and has insisted that he should be paid his complete salary even for the period during which he had not performed his duties.

We have heard the learned senior counsel appearing for the appellants and the respondent, who has appeared in person, and have also perused the Judgment referred to by the respondent and have also looked at the record which denotes the conduct of the respondent during the pendency of the inquiry.

Looking at the facts of the case, in our opinion, this is not a case where the respondent should be paid salary for the period during which he has not performed his duties. We do not go into the merits of the case, especially when the learned senior counsel appearing for the appellants has not challenged the impugned Judgment so far as it pertains to reinstatement of the respondent.

We, therefore, modify the impugned Judgment by directing that no salary shall be paid to the respondent for the period during which he had not worked, however, the said period shall be considered as period in service for the purposes of his pension.

In view of the above, the Civil Appeal is

allowed with no order as to costs.

Contempt Petition No. 224 of 2012 is,
accordingly, dismissed.

.....J.
[ANIL R. DAVE]

.....J.
[SHIVA KIRTI SINGH]

New Delhi;
March 31, 2014

ITEM NO.203

COURT NO.9

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).15359/2011

(From the judgement and order dated 29/01/2011 in CMWP No.43818/2010 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

STATE OF U.P. & ANR.

Petitioner(s)

VERSUS

SANJEEV KUMAR CHAWLA

Respondent(s)

(With appln(s) for CLARIFICATION/DIRECTION, exemption from filing O.T. and prayer for interim relief and office report))

WITH

CONMT.PET.(C) NO. 224 of 2012

(With prayer for interim relief and exemption from filing O.T. and office report)

Date: 31/03/2014 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIL R. DAVE
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. P. N. Misra, Sr. Adv.
Mr. T.N. Singh, Adv.
Mr. Abhishth Kumar, Adv.

For Respondent(s) Respondent-In-Person

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The Civil Appeal is allowed and the Contempt Petition is dismissed in terms of the signed order.

(Jayant Kumar Arora)
Sr. P.A.

(Sneh Bala Mehra)
Assistant Registrar

(Signed order is placed on the file)