



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

CWP-6063-2025

Date of Decision:-27.05.2025

Kanu Priya

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Ashutosh Kaushik, Advocate
for the petitioner.

Mr. Raman Sharma, Addl. A.G., Haryana and
also appearing for Mr. Vivek Saini, Advocate
for respondent No.3.

Ms. Rajni Gupta, Advocate
for respondent No.4.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent to allow her to join and release salary from 01.09.2023 onwards alongwith interest.

2. The petitioner joined Municipal Corporation, Gurugram as Computer Clerk on 25.02.2014 through an outsource agency. The State of Haryana issued deployment policy for contractual persons on 30.06.2022. The petitioner was ported on the official portal of Haryana Kaushal Rojgar Nigam Limited (for short 'HKRNL'). She was not engaged by Municipal Corporation, Gurugram after September' 2023. The HKRNL deputed her to Municipal Corporation, Karnal. She reported her joining

on 01.09.2023 at Municipal Corporation, Karnal. The authorities sitting at the helm of affairs did not permit her to join at Municipal Corporation, Karnal.

3. Mr. Ashutosh Kaushik, Advocate submits that during the pendency of instant petition, the respondent has permitted her to join w.e.f. 13.05.2025. Since then, she is working with respondent No.3, however, she is not paid salary for the period from September' 2023 to April' 2025. The petitioner cannot be denied salary from September' 2023 to April' 2025 because she was always willing to work. The principle of 'no work no pay' is inapplicable in her case. Hon'ble Supreme Court in '*The Commissioner, Karnataka Housing Board Vs. C. Muddaiah*', AIR 2007 SC 3100 has clearly held that principle of 'no work no pay' is not universally applicable. In peculiar facts and circumstances, the employee may be entitled to salary.

4. Mr. Raman Sharma, Advocate submits that on account of non-availability of vacancy, the petitioner was not allowed to join at Karnal. Nevertheless, she has been permitted to join w.e.f. 13.05.2025. She cannot claim salary for the period from September' 2023 to April' 2025.

5. I have heard learned counsel for the parties and perused the record.

6. From the perusal of record, it is evident that petitioner is a contractual employee and has been engaged by Municipal Corporation, Karnal through HKRNL i.e. outsource agency. The respondent did not permit her to join w.e.f. 01.09.2023 on the ground that no work was

available. She was deputed by HKRNL against requisition sent by Municipal Corporation, Karnal. In the absence of requisition, there was no question of deputing petitioner by HKRNL. The principle of 'no work no pay' is applicable in the instant case. The petitioner was not having any absolute or vested right against the vacancy. She is a contractual employee. The respondent has not availed her services and during the pendency of this petition, she has been permitted to join w.e.f. 13.05.2025.

7. Considering the facts and circumstances in totality, this Court does not find it appropriate to direct the respondent to pay her salary for the period from 01.09.2023 to 12.05.2025.

8. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

27.05.2025
Prince Chawla

Whether Speaking/reasoned: Yes/No
Whether Reportable: Yes/No