



For daily HR, IR, Legal, and Safety updates,

join Shekhar Ganagaluru's **Be Great Learning Hub** WhatsApp Group.

<https://chat.whatsapp.com/JX5GtawCHVcKg0MxyzOcsh>



**264. An employee reports to work but refuses certain assigned tasks, citing a previous understanding that those duties were not part of their role. Should the employer still pay their salary for the day?**

The relationship between an employer and an employee is governed by the fundamental principle of "No Work, No Pay", which ensures that wages are earned through work performed. When an employee reports to work but refuses assigned tasks, it raises a critical legal and contractual question, is the employer still obligated to pay their salary for the day?

To answer this, we must examine the legal foundations, judicial precedents, and contractual obligations that define the reciprocal nature of employment, where work is exchanged for wages.

In India, this principle is codified in several labour laws:

- Industrial Disputes Act, 1947: Regulates conditions of employment and disciplinary action.
- Payment of Wages Act, 1936: Ensures wages are paid for work done and allows deductions for unauthorized absence.

### Judicial Precedents Supporting "No Work, No Pay"

#### 1. Rajendra Sharma v. State of Chhattisgarh (2021) | Chhattisgarh High Court

##### Key Holding:

- The principle of "No Work, No Pay" is a fundamental concept in the contract of employment.
- Employees cannot claim salary for the period they refuse to work, as payment of wages is directly linked to the performance of assigned tasks.
- The court dismissed the plea of an employee seeking salary for the period of unauthorized absence, reaffirming that mere presence at the workplace does not entitle an employee to wages if they refuse to perform assigned duties.

##### Relevance:

- This ruling clarifies that an employee cannot expect wages simply because they report to work, they must perform their assigned duties

#### 2. Ganapathy Subramaniam J. v. Canara Bank (2000) | Madras High Court

##### Facts:

- Clerks working as Advance Ledger Posting Machine operators at Canara Bank refused to perform additional clerical work, citing a previous Bipartite Settlement that defined their duties.

**Disclaimer: This document is for educational purposes only and does not constitute legal advice.**

- The bank withheld their salaries for the days they refused work, applying the "No Work, No Pay" principle.
- The employees challenged the salary deduction, arguing that the additional work was not part of their original job description.

**Judgment:**

- The court ruled in favor of the bank, stating that the Bipartite Settlement did not explicitly prohibit clerical work for ALPM operators.
- Since the employees refused to perform lawful and reasonable work, their wage deductions were justified.
- The principle of "No Work, No Pay" was upheld, and the court ruled that work refusal without legal justification cannot entitle an employee to wages.

**Relevance:**

- The ruling establishes that employees cannot unilaterally refuse reasonable work assignments and expect to be paid.
- It reinforces that wages are contractual obligations, if an employee does not fulfill their side of the contract (performing work), the employer is not bound to pay.

**3. Deepali Gundu Surwase v. Kranti Junior Adhyapak Mahavidyalaya (2013) 10 SCC 324 | Supreme Court of India**

**Key Holding:**

- The Supreme Court ruled that an employee who is wrongfully dismissed is entitled to back wages unless the employer can prove that they were gainfully employed elsewhere.
- However, the ruling clarified that back wages cannot be claimed simply due to an absence from work - the employee must prove that the inability to work was caused by the employer's unlawful actions.
- The burden of proof lies on the employer to show that the employee was engaged in other employment during the disputed period.

**Relevance:**

- This case reinforces that employees who do not work cannot demand wages, except when they were wrongfully dismissed and had no alternative employment.

**4. Airports Authority of India v. Shambhu Nath Das (2008) 11 SCC 498 | Supreme Court of India**

**Facts:**

- An employee remained absent for 15 years without proper justification.
- The employer terminated his service and refused to pay back wages.
- The employee challenged the decision, claiming he was entitled to wages despite his absence.

**Judgment:**

**Disclaimer: This document is for educational purposes only and does not constitute legal advice.**

**Shekhar Ganagaluru, MSW, LLB, Dip. T&D**

HR & IR Specialist | Published Author | Storyteller | Mentor | Trainer | Community Outreach Coordinator | Workplace Safety & Motivation Strategist  
[begreatseries@gmail.com](mailto:begreatseries@gmail.com) or [Follow on LinkedIn](#) | Mobile: 96327 11228

- The Supreme Court rejected the employee's claim for back wages, stating that no employee can claim wages for the period they remained absent without valid justification.
- The principle of "No Work, No Pay" was applied, with the court stating that wages must be earned through work performed.
- The claim for salary during unauthorized absence was dismissed.

**Relevance:**

- This ruling affirms that prolonged absence without authorization does not entitle an employee to wages.
- It establishes that an employee's mere presence in employment records does not automatically translate to a right to wages.

**5. Shobha Ram Raturi v. Haryana Vidyut Prasaran Nigam Ltd. (2016) 16 SCC 663 | Supreme Court of India**

**Facts:**

- The employee was wrongfully retired three years before his actual retirement age.
- The employer refused to reinstate him and denied back wages for the period he was out of service.
- The employee challenged the denial of wages, arguing that he was ready and willing to work, but the employer prevented him from doing so.

**Judgment:**

- The Supreme Court ruled that since the employer had wrongfully prevented the employee from working, he was entitled to full back wages for the period he was out of service.
- The court set aside the employer's order and directed full salary payment for the disputed period.

**Relevance:**

- This case sets an important distinction:
  - If the employer wrongfully prevents work, the employee must be paid.
  - If the employee voluntarily refuses work, "No Work, No Pay" applies.

**6. Chief Regional Manager, United India Insurance Co. Ltd. v. Siraj Uddin Khan (2019) 7 SCC 564 | Supreme Court of India**

**Facts:**

- The employee, Siraj Uddin Khan, was transferred from Allahabad to Jaunpur but did not report to the new location.
- He was absent from 2007 to 2012 and was eventually terminated after retirement.
- He challenged the termination and demanded back wages, arguing that he was wrongfully denied work.

**Judgment:**

- The Supreme Court ruled that "No Work, No Pay" applies because the employee chose not to report to work.

**Disclaimer: This document is for educational purposes only and does not constitute legal advice.**

- It reversed the High Court's decision that had granted back wages, stating that employees who voluntarily stay away from work cannot claim salary.
- The court upheld the employer's right to withhold wages for the period of unauthorized absence.

**Relevance:**

- This case is a direct application of the "No Work, No Pay" principle.
- It establishes that employees cannot claim salary for periods of unauthorized absence, even if their termination is later reversed.

**Application to the Given Scenario**

An employee reports to work but refuses assigned tasks, citing a previous understanding that those duties were not part of their role. Should they still be paid?

**1. Employer's Right to Assign Work**

- In employment contracts, duties are subject to reasonable modifications.
- The employer has the managerial right to allocate tasks as long as they are within the general scope of employment.
- Refusal to perform lawful instructions is insubordination and can lead to disciplinary action.

**2. The Contractual Obligation: Work for Wages**

- Salary is not an unconditional right, it is given only in exchange for services rendered.
- If an employee deliberately refuses work, they are not fulfilling their contractual obligation.
- In Ganapathy Subramaniam J. v. Canara Bank (2000), the Madras High Court upheld salary deductions when bank clerks refused additional clerical work, citing the "No Work, No Pay" rule.

**3. Is the Refusal Justified?**

- If the refusal is based on a written contract or agreement specifying that the employee is not required to perform certain duties, they may have a valid claim.
- However, in Chief Regional Manager, United India Insurance Co. Ltd. v. Siraj Uddin Khan (2019), the Supreme Court ruled that employees who voluntarily stay away from work cannot claim wages, even if their termination was later set aside.

**4. Conclusion: Salary Should Not Be Paid**

Based on the doctrine of "No Work, No Pay", legal precedents, and employment law principles:

- If the refusal is unjustified (i.e., the task is reasonable and within employment scope), the employer is justified in withholding salary.
- If the refusal is based on an explicit agreement, the matter should be resolved through negotiation or legal clarification, but salary cannot be demanded without work performed.
- Thus, unless the refusal is contractually valid, the employee should not be paid for the day.

**Disclaimer: This document is for educational purposes only and does not constitute legal advice.**

**Shekhar Ganagaluru, MSW, LLB, Dip. T&D**

HR & IR Specialist | Published Author | Storyteller | Mentor | Trainer | Community Outreach Coordinator | Workplace Safety & Motivation Strategist  
[begreatseries@gmail.com](mailto:begreatseries@gmail.com) or [Follow on LinkedIn](#) | Mobile: 96327 11228