

Private Employee Leave Due to Road Closure

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What do Islamic scholars and jurists say about this issue:
On the 8th of Muharram, one of our madrasa's teachers couldn't come to work due to road closures. Should we deduct his pay for this day off?

Note: The questioner clarified that the usual route the teacher takes was blocked, which normally gets him to work in three minutes. The road where the madrasa is located was open, and there was also an alternative route, but it was much longer. While the usual route takes three minutes, the alternate route takes about thirty minutes. So, if the teacher wanted, he could have taken the longer route to reach work.

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

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In this situation, there's no doubt that the teacher did take the day off, as he did not surrender himself for work. Now, as for whether his pay should be deducted, it requires some more details because many institutions have specific leaves where deductions are not applied, and same is the case in Madaris as well for example on weekly leaves no deduction is applied. Similarly, there are monthly and annual leaves, which are usually non-deductible in madaris. Therefore, any decision about deducting pay will depend on the leave policy of the

institution, provided it does not go against Islamic principles.

According to Shariah rules, an employee bound to work for a specific person or institution at a designated time is called a “private employee” (اجیر خاص). For such employees, if he fails to present himself (which is called Taslimun Nafs in Arabic) due to an excuse, the absence will count as a day off. Generally, deductions are applied for absences and following reference are mentioned in this scenario, but it will not be the case if the institution has a policy which allows paid leave for such cases, as we mentioned this earlier.

The book Radd-ul-Muhtar states,

”ولم یتبکن منه لعذر کبط ونحوہ لا اجر له“

Translation: If an employee cannot work due to an excuse, like rain or similar reasons, he is not entitled to pay.

(Radd-ul-Muhtar, Vol. 9, p. 117, Dar al-Ma’rifah, Beirut).

The Fatawa-e-Alamgiri adds:

”وانما یعرف استحقاق الأجر بتسليم النفس“

Translation: An employee’s entitlement to wages is established by their self-surrender (Taslimun Nafs).

(Fatawa Hindiyya, Vol. 4, p. 500, Dar al-Fikr, Beirut).

Imam Ahmed Raza Khan (رحمة الله عليه) states in Fatawa Razawiyyah:

”مدرس معمول کے علاوہ غیر حاضری پر تنخواہ کا مستحق نہیں اگرچہ وہ غیر حاضری "جج فرض" ادا کرنے کے لئے

ہو۔“

Translation: A teacher is not entitled to salary for any unusual absence, even if it's to perform obligatory Hajj (i.e. A Hajj which has become Fardh upon him).

(Fatawa Razawiyyah, Vol. 16, p. 209, Raza Foundation, Lahore).

Bahar-e-Shariat mentions:

”اگر کسی عذر کی وجہ سے اجیر خاص کام نہ کر سکا تو اجرت کا مستحق نہیں ہے۔ مثلاً بارش ہو رہی تھی جس کی وجہ سے کام نہیں کیا اگرچہ حاضر ہوا اجرت نہیں پائے گا۔“

Translation: If a private employee cannot work due to an excuse, he is not entitled to pay. For example, if it's raining and because of it, he does not work, even if he is present, he will not receive pay.

(Bahar-e-Shariat, Vol. 3, p. 161, Maktaba al-Madina).

واللہ اعلم عزوجل ورسولہ اعلم صلی اللہ تعالیٰ علیہ وآلہ وسلم

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