106929 - She had a contract to work for two years, but the contract was cancelled after one year and she is still receiving the salary

the question

One year ago I had a two year contract with ministry of education as an alternative teacher. After one year my contract was cancelled. But I received my salary into my account for six months although I stopped working. My name remained as well in the lists of working individuals in my sector, although my contract was cancelled. I went to check the matter but no one listened to me. Is it permissible for me to use this salary I received after I stopped working or not? Bear in mind that I was prevented from renewing my contract by adding my name on working individuals list.

Detailed answer

Praise be to Allah.

There is nothing wrong with you taking the salary if the contract was cancelled by them, and there was no refusal to work or any shortcoming on your part. The basic principle in this case is that a work contract is binding, and that the employee is entitled to payment throughout the period agreed upon, even if he is not given any work to do or the employer has no need of him, so long as he is prepared to work and does not refuse to do so.

It says in al-Muqni': Employment is a contract that is binding on both parties, and none of them has the right to cancel it, but if he wants to do so before the time is up, he is obliged to pay the wages. End quote.

It says in al-Sharh al-Kabeer (14/436): Employment is a binding contract which means that the employee must be given the wages and the employer must be given the work. If the employer cancels the contract before the period ends and does not demand the work, the contract is not annulled and he must pay the wages.

You should contact the ministry of education to see about renewing the contract and related

matters.

And Allaah knows best.