

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2008/2000

New Delhi, this 27th day of September, 2000

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri M.P. Singh, Member(A)

V.K. Kapoor
52, Delhi Admin. Flats
Greater Kailash I, New Delhi-48 .. Applicant
(By Shri R.P. Kapoor, Advocate)

versus

Union of India, through

1. Director General of Works, CPWD
Ministry of Urban Development & Employment
New Delhi
2. Dy. Director of Administration
CPWD, Nirman Bhavan, New Delhi
3. Addl. Director General
East Zone, CPWD, Calcutta .. Respondents

ORDER(oral)

By Shri M.P. Singh

Applicant has filed this OA under Section 19 of AT Act, 1985 for release of his salary for the period of leave from 10.4.2000 to 9.6.2000 sanctioned by R-1.

2. The applicant, SE(E) in CPWD, contends that he was earlier posted in Nepal on foreign assignment, after which he was posted to JCEC, Jaipur. Subsequently, the transfer order has been modified and he was posted to the office of ADG(Eastern Region), Calcutta. In the meantime he applied for EL for two months which was sanctioned by R-1 with the decision that the applicant may draw his leave salary etc. after joining the place of his posting. Later on applicant requested to authorise payment of leave salary at Delhi. R-1 passed an order stating that applicant may make arrangement with ADG(E) so that he may get leave salary in Delhi, drawn from the place of his posting. Thereafter, applicant has applied for extension of leave on medical

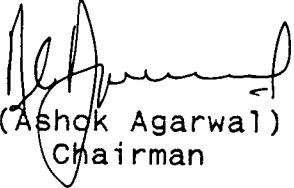


grounds with effect from 10.6.2000 to 9.7.2000. R-1 passed an order stating that extension of leave is to be regularised after applicant joins duties at the place of his posting and submits the fitness certificate from the AMA to ADG(ER). (3)

3. We have heard the learned counsel for the applicant. It is an admitted fact that the applicant is not ~~posted~~ posted to any office of CPWD at Delhi. At present he has been posted to the office of ADG(ER), Calcutta. As per rules, a government servant can draw his salary only from the place he is posted. Since the applicant is at present posted in the office of ADG(ER), Calcutta (R-3), his salary can be released only by R-3. Applicant has not yet joined his duties. Unless and until the applicant joins the office of ADG(ER), that office cannot release the salary to the applicant. In view of this factual position, we find no merit in the OA.

4. In view of the foregoing, the OA is devoid of merit and is dismissed accordingly at the admission stage itself. No order as to costs.


(M.P. Singh)
Member(A)


(Ashok Agarwal)
Chairman

/gtv/