



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

Original Application.No. 1112/2020

This the 7th day of August, 2020

THE HON'BLE MR. JUSTICE L.NARASIMHA REDDY, CHAIRMAN

THE HON'BLE MOHD. JAMSHED, ADMINISTRATIVE MEMBER

Sh. Vivek Sahu
S/o Sh. Goverdhan Gupta,
Auliapuram Colony,
Akbarpur Ambedkar Nagar,
Uttar Pradesh- 224122

.... Applicant

(By Advocate: Ms. Manasi Sahoo)

Vs.

1. Ircon International Limited
Add:C-4, District Centre, Saket,
New Delhi- 110017, INDIA.

2. Chief General Manager/J&K
Ircon Project Office,
Vill-Krawah, Post-Banihal,
Distt. Ramban, J&K-182146

3. General Manager/PH, Sangaldan
USBRL Project (J&K)

....Respondents

(By Advocate : Mr. Krishna Kant Sharma)

O R D E R (ORAL)

By HON'BLE MR. JUSTICE L.NARASIMHA REDDY, CHAIRMAN:

The applicant joined the service of the IRCON- 1st respondent herein as Geologist, on 19.02.2018 on contractual

basis. Initially it was for one year and was thereafter extended till 28.07.2020. He states that on account of serious illness of his father at Ambedkar nagar, Uttar Pradesh, he went that place and he could not resume duties on account of the delicate health of his father.



2. He filed this OA with a prayer to direct the respondents to release the monthly salary and dearness allowance and to pay for over time work. The applicant contends that before leaving the station, he sent a message and there was no reply.

3. We heard Ms. Manasi Sahoo, learned counsel for applicant and Sh. K.K. Sharma, learned counsel for respondents.

4. Even on his own showing, the applicant is not attending the duties of the respondents corporation from 20.03.2020 onwards. It is not mentioned that he is entitled to any leaves. The appointment itself is on contractual basis and hardly there exists any such facility. Once the applicant is not working for the past about 5 months, the question of payment of salary does not arise. The learned counsel for the applicant is not able to draw our attention to any provision of law that entitles her client to get his salary.

5. Reference is made to Rule 21 of the IRCON Conduct and Appeal Rules, which provides for payment of subsistence

allowance to a suspended employee. It is just un-understandable as to how that provision would help the applicant, who admittedly is not there under suspension.



6. We do not find any merit in the OA and it is accordingly dismissed. We, however, make it clear that in case the applicant had done any overtime work, that may have been recorded by the respondents, they shall release the permissible amount for that, within four weeks. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

vv/cc/akshaya/sd