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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

D.A.No.143/93

New Delhi, This the 10th Day of November 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member (A)

Shri B F Murgod
s/o Late Shri F Y Murgod
age about 47 years presently working as Senior
Drawing Assistant in the office of Registrar
General India, Map Division, West Block I,
RK Puram, New Delhi
resident of A-49, South Extension-I,
New Delhi 110049.

...Applicant

By Shri P L Mimroth, Advocate

Versus

1. Union of India through Secretary to the
Ministry of Water Resources,
Shram Shakti Bhawan, Rafi Marg
New Delhi.
2. Chairman
Central Water Commission
Sewa Bhawan, R K Puram
New Delhi.
3. Assistant Director
office of the Registrar General of India
2/A Man Singh Road, New Delhi.

...Respondents

By None

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

1. The applicant has claimed two substantive reliefs in this application. The first is to direct respondent No.3 namely Asst Director in the office of the Registrar General of India to treat the period from 6.11.89 to 12.12.89 as period spent by applicant on duty in the office of the Central Water Commission and count ~~for the~~ the same towards qualifying service for all purposes. The second prayer is to direct respondents No.1 and 2 namely the Union of India through Secretary to the Ministry of

Water Resources and Chairman, Central Water Commission to arrage payment of applicant's salary and allowances and other dues for the period from 6.11.89 to 12.12.89.

2. Admittedly the applicant is a permanent employee in the office of Registrar General of India. He came on deputation to the Central Water Commission on 6.9.84. The deputation period was extended from time to time. On 5.9.89 the applicant completed 5 years period on deputation. The claim of the respondents is that on completion of this period he was relieved so as to enable him to join the parent department. The claim of the applicant is that he sought two months leave which was sanctioned and therefore he got salary upto 5.11.89. A further claim of the applicant is that although on papers the Central Water Commission showed that the applicant had been relieved in fact he was not relieved and work was continued to be taken from him. On this basis applicant claims that he is entitled to salary from primarily the Central Water Commission and alternatively from the office of the Registrar General of India.

3. The first question arising for determination is whether the period of deputation could be extended beyond the period of 5 years and was actually extended by the competent authority. We may assume in favour of the applicant that the period could be extended even beyond the period of 5 years but the applicant has not placed on record any order of the competent authority

extending that period. In the counter affidavit it has been stated that deputation after 5 years could be continued only with the approval of the Department of Personnel and Training, but the applicant's case was not referred to the said department for extension of the deputation. In the absence of any order extending the period of deputation the applicant's claim of continuing on deputation beyond five years or beyond 5.11.89 cannot be accepted. Accordingly, there is no question of directing Central Water Commission to make payment of salary to the applicant. If any officer of the Central Water Commission has taken work from the applicant as claimed by him the applicant may have his remedy against that officer personally, but no order can be passed against the Commission as such.

4. Admittedly the applicant after the expiry of the five years' period did not report back to the office of the Registrar General of India and he has not discharged any duties in that office. Accordingly no direction can be issued to the Registrar General of India or the Asst Director of that Department who has been impleaded as respondent No.3 for payment of applicant's salary. Salary can be claimed only for work done. Since the applicant abstained from work, he is not entitled to any salary.

5. In view of the above, the application lacks merit and is dismissed but without any order as to costs as no one has appeared on behalf of the respondents.

P.J. Drsi

(P.T. THIRUVENGADAM)
Member(A)
10-11-94

S. C. Mathur 10-11-94
(S.C. MATHUR)
Chairman
10-11-94