

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

Original Application No. 499 of 1991

Date of Decision 20. 5. 1992

Khirod Kumar Routray

Applicant

Versus

Union of India & Others

Respondents

For the applicant

M/s. Deepak Mishra,
R. N. ~~Deik~~, B. S. Tripathy,
A. Deo, P. Panda,
Advocates

For the respondents

Mr. P. N. Mohapatra,
Additional Standing
Counsel (Central Govt.)

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C O R A M

HON'BLE MR. K. P. ACHARYA, VICE-CHAIRMAN

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1. Whether the reporters of local newspapers may be allowed to see the judgment ? Yes
2. To be referred to reporters or not ? *No*
3. Whether His Lordshis wishes to see the fair copy of the judgment ? Yes

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JUDGMENT

MR. K. P. ACHARYA, VICE-CHAIRMAN, In this application under Section 19 of the Administrative Tribunals Act, 1985, the petitioner prays for a direction to the opposite parties to pay to the petitioner his salary due to him with effect from 1.4.1991 till date.

2. Shortly stated the case of the petitioner is that the petitioner was working at Raipur as a Lineman in the Telecom Department. Later the petitioner was transferred to Sambalpur and was relieved from Raipur. According to petitioner though he joined at Sambalpur office on 1.4.1991, he has not received his salary. Hence this application with aforesaid prayer.

3. In their counter the opposite parties maintain that the petitioner has never reported to duty and has not joined in the new place of posting and hence the petitioner is not being paid his remuneration and further more it is maintained the case being baseless and devoid of merit is liable to be dismissed.

4. I have heard Mr. Deepak Mishra, learned counsel for the petitioner and Mr. D. N. Mohapatra, learned Addl. Standing Counsel for the Central Government.

5. It was submitted by Mr. Deepak Mishra, learned counsel for the petitioner that the formal statement has been made in the counter that the petitioner had not joined at Sambalpur. I cannot ^{bnt} accept this submission because the verificant of the counter who ^{h/n} is a Government Officer takes heavy responsibility on himself regarding the truthfulness of the statement made in the counter. The Government officer can never dare to make a false statement. On the contrary I am of opinion that the

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that the petitioner has made a false statement regarding his joining, because in paragraph-4(d) it is stated that the petitioner joined on 1.4.1991 and the same endorsement is available from Annexure-2. I have carefully gone through the context of Annexure-2 and there appears to be no endorsement to indicate that the petitioner has joined the service. In the absence of performance of duties in Sambalpur, I cannot conceive as to how the appropriate authority could make payment of salary to the petitioner. It is hereby directed that salary shall not be paid to the petitioner unless he joins at Sambalpur and the competent authority is at liberty to take such an action according to law as deemed fit and proper against the petitioner.

6. Thus I find no merit in this application which stands dismissed leaving the parties to bear their own costs.

[Signature]
20.5.92
VICE-CHAIRMAN

Central Administrative Tribunal
Cuttack Bench, Cuttack
dated the 20th May, 1992/BK Sahoo