

Central Administrative Tribunal
Principal Bench, New Delhi

OA No.425/2015

New Delhi, this the 2nd day of August, 2016

Hon'ble Mr. P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

Pravin Kumar Kulshrestha,
Aged 60 years
Retd. SE, CPWD, New Delhi.
S/o Shri Rajendra Prakash,
R/o D-II (Type)/62
Andrews Ganj, New Delhi. .. Applicant

(By Advocate: Applicant in person)

Versus

1. Union of India
Through the Secretary
Ministry of Urban Development,
Nirman Bhawan, New Delhi.
2. Director General
C.P.W.D., Nirman Bhawan,
New Delhi. .. Respondents

(By Advocate: Mr. D.S. Mahendru)

ORDER (ORAL)

Hon'ble Mr. P.K. Basu, Member (A)

The applicant, who appears in person, presses only for prayer clause (iv) of his relief, which is to 'issue the direction to the respondents to treat the period from 29.05.2013 to 19.01.2014 as duty and payment of full salary for the above period'.

2. The facts of the case are that the applicant was transferred on 08.09.2012 (Afternoon) with direction to report to the Director General, CPWD, Nirman Bhawan, New Delhi for further posting. Thereafter, he was posted first to DoNER where his joining was not accepted on the ground that there was no sanctioned post. On 28.05.2013 he was posted in the office of CE(Trg cum R & D), Delhi, which post was actually at Ghaziabad but he did not join there. He made a representation, which was rejected. He then filed OA No. 3990/2013, which was disposed of on 15.01.2014 where the applicant assured that he would join the duty by 20.01.2014. While disposing of the OA, it was further noted by the Tribunal that the respondents have fairly submitted that as and when the applicant joins duty at Ghaziabad, his salary will be released within a period of four weeks from that date, as per rules. C.P. No. 161/2014 was filed by the applicant in the said OA, which was closed as the Tribunal found no contempt of court and further noted that "the respondents have filed their reply stating that since the petitioner remained absent from duty for the period from 29.05.2013 to 19.01.2014, the Applicant was required to apply for sanction of the kind of leave due and admissible to him. Since he has not done so, he was advised accordingly, vide Memorandum dated 01.05.2014. They have also submitted that they will make the requisite payment

immediately on receipt of application for leave from him." The applicant, thereafter, filed RA No.173/14 in the said OA, which was also dismissed vide order dated 26.09.2014.

3. Thus, it is clear that the applicant absented himself from duty between the period from 29.05.2013 to 19.01.2014 on his own volition. He approached the Tribunal on several occasions but the Tribunal did not grant him any relief. In the CP, the Tribunal has also noted the fact that the applicant was asked to apply for leave for the period from 29.05.2013 to 19.01.2014 so that the respondents may release his salary only on receipt of such leave application. Since the applicant has not worked during that period, the action of respondent in not paying salary for the said period cannot be faulted.

4. Learned counsel for the respondents pointed out that nowhere in the OA, the applicant has disclosed that he has filed series of OAs in this Tribunal. Clearly the applicant has deliberately and wilfully mislead this Tribunal by concealing material facts. We view it very seriously and impose a cost of Rs. 25000/- on the applicant to be paid to the respondents.

The OA is dismissed with the above directions.

**(Dr. Brahm Avtar Agrawal)
Member (J)**

**(P.K. Basu)
Member A)**

