

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-4186/2015

Order Reserved on 23.11.2015

Order Pronounced on: 27.11.2015

Hon'ble Mr. Sudhir Kumar, Member (A)

Hon'ble Mr. V. Ajay Kumar, Member (J)

K.N. Manjunatha S/o Shri Ninge Gowda k C
Resident of C-201, Pragati Vihar Hostel
New Delhi-110003

Presently employed as
Deputy Director
Directorate of Mechanical Transport
Air Headquarters, West Block-6,
R.K. Puram, New Delhi-110066.

-Applicant

(Applicant present in person)

Versus

1. Union of India through
Secretary, Ministry of Defence
South Block, New Delhi-110011

2. Mrs. Jayashree Galgotia
Director (HR)
Office of Joint Secretary (Training) and
CAO, Ministry of Defence
'E' Block, Dalhousie Road
New Delhi-110011.

-Respondents

ORDER

Per Sudhir Kumar, Member (A):

This case was argued on the point of admission by the applicant himself in person. He has filed this OA in the second round of litigation,

praying in the relief portion of the OA for directions upon the respondents as follows:-

- “A) To define the reporting channels by explicitly stating who will report to whom.
- B) To direct the relevant officials to report to Deputy Director and direct officers senior to Deputy Director not to interfere with the reporting channels.
- C) To supervise the situation for six months under monitoring by the Hon’ble CAT.
- D) To direct the positioning of applicant at Directorate of Air Force Works by cancelling transfer order dated 19 May 2015.
- E) To take necessary measures to run polygraph test on applicant, respondent No.2 (Director (HR), Gp Capt PK Ghosh, Gp Capt JK Raval and other officials junior to applicant at Directorate of Air Force Works and Directorate of mechanical Transport”.

2. Annexure A-1 is his letter dated 15.07.2014 addressed to the Respondents, which had formed a part of the earlier OA No. 1210/2015 filed by him, which was decided at the admission stage itself on 31.03.2015, without going into the merits of the case, with directions to the respondents to dispose of that representation dated 15.07.2014 within a period of two months from the date of receipt of a copy of that order. The applicant has submitted that no action has followed thereafter.

3. During his submissions on the point of admission, the applicant admitted that since he was not being assigned sufficient and substantive work by the respondents, he has on his own stopped going to the office at all. He also submitted that because he has stopped going to the office, he has not been paid salary for the last 16 months.

4. A question was put to him as to whether before or after the passing of the order dated 31.03.2015 in his earlier OA No.1210/2015, he had presented himself before his superior officer, which he mentioned was the Director concerned, but he admitted that he had not gone and reported before his superior officer, namely, the Director concerned, and that he was not attending office of his own volition.

5. In his submissions, the applicant further admitted that there is a desk assigned to him, but since it was the position that no sufficient files and papers were being put up to him, and only once in a while papers and files used to be put up to him in the day, he had felt humiliated, and, therefore, he has stopped attending office of his own volition.

6. It is trite law that a Government servant is bound by the Rules governing his service in the form of Conduct Rules, Disciplinary Rules and other related Rules. It is not for a Government servant himself to decide for him to choose or not to choose to go to his office. He is duty bound to present himself before his superior officer, whose identity is known to him, and only if the superior officer denies him an opportunity to mark his attendance in the attendance register, and does not assign him a working desk, there can be a case of a complaint by the Government servant concerned.

7. A Government servant cannot complain if he has been assigned less work, and even if he is put on compulsory waiting, as long as he has

reported for duty, and is willing to do the work, but it is his superiors who deny him an opportunity to continue to work. The quantum of work extracted from a Government employee by his superiors does not determine his salary and emoluments, as long as he has presented himself to be on duty for the full duty hours, say from 9.00 A.M. to 5.30 P.M., or whatever the duty hours may be. The applicant has admitted that he was neither sitting at his desk in the office hours from 9.00 A.M. to 5.30 P.M., nor going to the office at all, and that he had himself decided to stop going to the office, since proper allocation of work had not been assigned to him.

8. We find that the applicant has not approached this Tribunal with clean hands. He himself has not performed his part of the duties that he was supposed to perform as a Government servant, and for many months he has not sat on his desk for the full duty hours, which he ought to have done, as per the service conditions imposed upon him.

9. Since the applicant has not approached this Tribunal with clean hands, we refuse to entertain this OA, and the OA is dismissed *in limine*, at the admission stage itself.

(V. Ajay Kumar)
Member (J)

(Sudhir Kumar)
Member (A)

cc.

