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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1942/2003

N.P.SINGH

..... Petitioner

Through: Mr. Binay K. Das and Ms. Priyanka
Das, Advs.

versus

DIRECTOR OF C.B.I. & ORS.

..... Respondents

Through: Ms. Anjana Gosain, Adv. for R-4.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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27.09.2016

This petition has sought three reliefs, of which only one relief is to be determined by this court i.e. whether the plaintiff is entitled to back wages for the period commencing from 25.11.1994 to 07.02.1996 and from 11.09.1993 to 17.06.2000. This prayer is neither supported by averment or narration nor is it sought to be substantiated elsewhere in the petition. No ground is made out for the aforesaid relief either. Grant of relief is not for the asking.

This court had earlier determined that the first and second prayer were in the nature of Public Interest Litigation (PIL) and hence could not be allowed. Since the entire writ petition has been drafted in the form of a PIL, no specific averments have been made for the aforesaid two periods for which payments are sought.

The respondent-authority has, in its counter affidavit, stated that the petitioner was not entitled to be paid any back wages for the said two

periods because he was unauthorisedly absent from duty and failed to submit any application for extension of leave.

There is no response from the petitioner to the respondents' aforesaid averment in the counter affidavit. There is no rejoinder on record either.

The learned counsel for the respondent also relied upon the judgment of the Supreme Court cited as AIR 2008 (SC) 2896 in ***Airport Authority of India and Ors. vs. Shambhu Nath Das @ S.N.Das*** wherein it was held that where an employee remains absent without leave, there would be no justification for grant of any back wages.

In view of the above, the petition is without any basis and is accordingly dismissed.

NAJMI WAZIRI, J

SEPTEMBER 27, 2016*/mr*