

-2-

Central Administrative Tribunal
Principal Bench

O.A.No.308/99

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 19/1 day of February, 1999

Shri Sri Chand Sharma
s/o late Shri Dal Chand
r/o A-1, First Floor
Central Govt. Health Scheme Dispensary
Daryaganj
Delhi.

... Applicant

(By Shri R.K.Shukla, Advocate)

Vs.

Union of India through

1. Secretary
Ministry of Health & Family Welfare
Nirman Bhawan
New Delhi
2. Director General
Health Services
Nirman Bhawan
New Delhi.
3. Addl. Director
DGHS
Central Zone
Nirman Bhawan
New Delhi.

... Respondents

O R D E R

The applicant is aggrieved that though he had submitted an application for grant of leave on Medical Ground from 28.3.1993 to 27.4.1995 accompanied with a certificate from competent medical authority, both as regards the illness and fitness, the respondents only sanctioned him extraordinary leave without pay. His representation was also rejected on 7.12.1995 on the ground that leave is not a matter of right with the government servant. He

Leave on 19/2/95

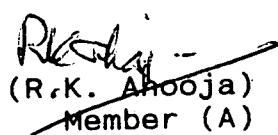
-3-

-2-

submits that he continued to make further representations and he has now received a reply dated 14.9.1998 that the earlier decision was justified.

2. I have heard the counsel on admission. As prima facie, the O.A suffers from limitation, the learned counsel for the applicant was asked to explain the reason for delay. The learned counsel, however, submitted that there was no delay as the final order rejecting the representation is dated 14.9.1998. I am unable to agree. The original representation of the applicant had been rejected vide respondent's letter dated 7.12.1995. The learned counsel was not able to show that his further representations were in exercise of a statutory right. Even if that had been the case, the applicant would wait only for another six months for seeking his relief from the Tribunal. As held by the Hon'ble Supreme Court in S.S. Rathore Vs. State of M.P. AIR 1990 SC 10 repeated unsuccessful representations not provided by law do not enlarge the period of limitation. Therefore, further representations which remained unanswered for over two years do not extend the limitation in the case of applicant even if a reply was ultimately made to these representations. This reply is also nothing but reiteration of the earlier decision conveyed in 1995.

The O.A is accordingly dismissed at the admission stage as barred by limitation.


(R.K. Alooja)
Member (A)

Mittal