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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

D.A No. 1242/97

New Delhi: this the 4th day of January, 2001.

HON'BLE MR.S.R.ADIGE VICE CHAIRMAN(A).

HON'BLE DR.A.VEDAVALLI, MEMBER(J)

Muninder Das,
S/o Sh.Sunder Lal,
R/o NW-31, Vishnu Garden,
New Delhi

.....Applicant.

(By Advocate: Shri U.Srivastava).

Versus

1. Union of India
through
the Secretary,
Ministry of Human Resources and Development,
Govt. of India,
New Delhi.

2. The Director General,
Govt. of India,
Department of Culture,
National Museum,
Janpath,
New Delhi

.....Respondents.

(By Advocate: Shri Mohar Singh)

ORDER

S.R.Adige, VC(A):

Applicant impugns respondents' Memo dated 7.3.96 (Annexure-A1) informing his wife that his services stood terminated w.e.f. 13.5.92 as per their order dated 13.4.92. He prays for reinstatement

2. Applicant's services were terminated under Rule 5(1) CCS(TS) Rules vide order dated 13.4.92 (Ann.-R1). Respondents in their reply point out that the acknowledgement card of the registered cover was received back in respondents' office without applicant's signature around 3rd week of April, 1992. Meanwhile

registered letter No.1010 dated 13.4.92 was also received back in respondents' office on 25.4.92 with the remarks that "intentionaly avoid to take delivery" (Annexure-R 13). These assertions of respondents in their reply have not been denied by applicant in any rejoinder filed by him.

3. In N.B.Chakravorty Vs. UOU 1974 Lab IC 1302, the Gauhati High Court(Full Bench) has held

"A notice terminating the services of the petitioner was sent to him on 4.8.70 by Registered post with acknowledgement due to the leave address of the petitioner. Since the notice was addressed to the petitioner and sent by a registered post it may be considered to be effective service in law particularly in view of the facts and circumstance of the case that the petitioner deliberately avoided the service of the notice on various pleas".

4. Applying the aforesaid ruling to the facts and circumstances of the present case, it must be held that the order dated 13.4.92 was effectively served upon applicant. Applicant's cause of action therefore arose on 13.4.92 while this OA was filed on 23.5.97. The OA is therefore grossly time barred and hit by limitation under the relevant provisions of the A.T.Act. Respondents' Memo dated 7.3.96 addressed to applicant's wife, which merely explains the fact that applicant stood terminated from

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service w.e.f. 13.5.92 can by no means be construed to extend the period of limitation.

5. The OA is therefore grossly hit by limitation and there is not even an application for condonation of delay. The OA is therefore dismissed. No costs.

A. Vedavalli
(DR.A.VEDAVALLI)
MEMBER (J)

S. Radige
(S.R. RADIGE)
VICE CHAIRMAN (A).

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