

Central Administrative Tribunal
Principal Bench

14-

O.A. No. 2950 of 1997

New Delhi, dated this the 15th APR '97 1999

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)
HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

Ms. Pratima Munjal,
W/o shri Davinder Munjal,
Staff Nurse,
Deen Dayal Upadhyaya Hospital,
R/o GH-8/434, Paschim Vihar,
New Delhi. Applicant

(By Advocate: Shri Surat Singh)

Versus

1. Union of India through
the Chief Secretary,
Govt. of NCT of Delhi,
Delhi.
2. Medical Superintendent,
Deen Dayal Upadhyaya Hospital,
Harinagar,
New Delhi-110064. Respondents

(By Advocate: Shri K.K. Singh proxy
counsel for Shri Raj Singh)

O R D E R

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

Applicant prays for direction to
respondents to allow her to join her duties.

2. Heard both sides.
3. Respondents in their reply to the O.A.,
to which there is no denial in rejoinder, state
that while posted as Staff Nurse in DDU, Hospital
applicant applied for medical leave for 10 days
w.e.f. 9.7.93 to 18.7.93. Thereafter she applied
for maternity leave for three months vide
application dated 31.7.93 w.e.f. 9.8.93 and was
expected back on 7.11.93 but again applied on

2

4.11.93 for further extension of leave of 90 days till 4.2.94. Another application dated 2.2.94 was received from her for further extension of leave for six months which was refused and by memo dated 15.2.94 she was ordered to report for duty immediately and the memo sent to her official address was received back on 24.2.94 with the postal remarks "addressee intentionally avoided to take delivery". Thereafter despite further attempts to send the memo to her address the same was received back undelivered as the premises was locked. Thereupon applicant was also requested by memo dated 15.2.94 to appear before the Medical Board, LNJP Hospital for medical examination but she failed to appear. She was issued a show cause notice dated 2.3.94 giving her a last opportunity to report for duty within 7 days of the receipt of the same through Registered A.D. at her official address, but she failed to comply with the same. Another memo directing her to report for duty within three days was also sent through Registered post and she was informed by memo dated 8.4.94 that her application dated 2.2.94 was rejected but the same was received back with the remarks "left without address". Thereafter public notice was issued in leading newspapers, copy of which is at Annexure R-8B directing her to report for duty within 7 days of the date of publication failing which it would be presumed that she was not interested to continue in Government service, but she again failed to report for duty upon which she

was dismissed from service vide order dated 25.2.95 (Ann. R-6) under Rule 9(2) and Rule 11(9) CCS(CCA) Rules.

4. This O.A. which has been filed on 9.12.97 is manifestly grossly time barred and is hit by limitation under Section 21 A.T. *Act*.

5. During hearing applicant's counsel pressed M.A. No. 2602/98 filed on 14.12.98 seeking to modify the O.A. and impugn respondents' dismissal order dated 25.2.95 claiming that applicant had not been served with copy of the same, but when the O.A. itself is barred by limitation under Section 21 A.T. Act, the question of granting permission to impugn the dismissal order dated 25.2.95 at this stage through M.A. No. 2602/98 does not arise.

6. O.A. No. 2950/97 together with M.A. No. 2602/98 ~~are~~ dismissed. No costs.

Lakshmi Swaminathan
(Mrs. Lakshmi Swaminathan)

Member (J)

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

/GK/