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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

R.A. NO. 130/2003
M.A. NO. 973/2003
in
O.A. NO. 1200/2000

This the 30th day of April, 2003

HON'BLE SHRI V. K. MAJOTRA, MEMBER (A)

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

Medical Superintendent,
LNJP Hospital & Anr. Applicants

-versus-

Mrs. Shailamma Lawrence Respondent

O R D E R (By Circulation)

Hon'ble Shri V.K. Majotra, Member (A) :-

O.A. No. 1200/2000 was allowed vide order dated 24.1.2001 with the following observations/directions :

"9. In the result, the O.A. is allowed. The impugned order dated 1.5.1998 is quashed and set aside qua the applicant. The respondents are directed to reinstate the applicant in service immediately treating the period from 1.5.1998 as on duty. However, the respondents will have authority to decide about the period of applicant's absence from 7.10.1996 to 30.4.1998 on the basis of applications and medical certificates submitted by her. The respondents are further directed to implement these orders within a period of two months from the date of communication of these orders." ;

The review applicants/respondents in OA filed Writ Petition No. 2137/2001 before the High Court of Delhi challenging the aforesaid order dated 24.1.2001 on the following amongst other grounds :-

"H. Because even though she never joined the duty till she was terminated, the Tribunal has directed the department to treat her on duty

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w.e.f. 1.5.98 which has no basis as admittedly she was still absent unauthorisedly and she has herself claimed for grant of leave upto December, 1998 and gave her joining only on 5.12.98 i.e. after the termination.

I. Because by no stretch of imagination could the respondent herein be treated as on duty w.e.f. 1.5.98 as she had admittedly not joined the duties till 5.12.98."

The aforesaid Writ Petition was disposed of with the following orders on 25.2.2003 :

"After some hearing, learned counsel for the petitioner seeks leave to withdraw the writ petition with liberty to move appropriate application before the Tribunal for correction of certain factual errors, which according to the counsel, have crept in the impugned order.

The Writ Petition and the miscellaneous application for interim relief are accordingly dismissed as withdrawn with liberty, as prayed."

Accordingly, this review application has been moved stating that it is an error on the face of record that this Tribunal had ordered for reinstatement of applicant in the OA w.e.f. 1.5.1998 while she had herself claimed for grant of leave up to 5.12.1998. The review applicants thus, have sought modification in the directions contained in para 9 of the Tribunal's order of 24.1.2001 to the effect that the effective date for reinstatement of applicant in the OA be treated as 5.12.1998 instead of 1.5.1998 and that the date 30.4.1998 appearing in the same para be modified as 4.12.1998.

2. We have carefully considered the contentions made in this application. We find that applicant in the OA had submitted Annexure-45 dated 5.12.1998 to



respondents in the OA stating that she had been on medical leave up to 30.11.1998; now the doctor had certified that she was fit to resume her duty w.e.f. 1.12.1998, and that she was joining her duty on 5.12.1998. She enclosed the fitness certificate dated 1.12.1998 (Annexure-46). Annexures-45 and 46 establish that there has been error on the face of record as pointed out by the review applicants. As such, order dated 24.1.2001 in the OA is reviewed and the direction contained in paragraph 9 of the aforesaid order to reinstate applicant in service w.e.f. 1.5.1998 is modified so that the effective date for reinstatement is treated as 5.12.1998. Further, the date 30.4.1998 appearing in the same para is also modified as 4.12.1998. Paragraph 9 is directed to be substituted as follows :

"9. In the result, the O.A. is allowed. The impugned order dated 1.5.1998 is quashed and set aside qua the applicant. The respondents are directed to reinstate the applicant in service immediately treating the period from 5.12.1998 as on duty. However, the respondents will have authority to decide about the period of applicant's absence from 7.10.1996 to 4.12.1998 on the basis of applications and medical certificates submitted by her. The respondents are further directed to implement these orders within a period of two months from the date of communication of these orders."

3. The review application is allowed in the aforesated terms, by circulation.

4. Registry to issue necessary corrigendum.

S. Raju
(Shanker Raju)
Member (J)

V. K. Majotra
(V. K. Majotra)
Member (A)

/as/