

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

Order reserved on: 17.08. 2015

**ORIGINAL APPLICATION NO. 060/01058/2014
Chandigarh, this the 19th day of August, 2015**

**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

Surinder Pal Kaur Bhatti, wife of Shri Harmail Singh Bhatti, Resident of House No. 2545, Sector 79, Mohali.

...APPLICANT

BY ADVOCATE: SHRI ABHISHEK SINGH

VERSUS

1. Chandigarh Administration through the Administrator, Raj Bhawan, Chandigarh.
2. Director Public Instructions (Schools), Education Department, Chandigarh Administration, U.T. Secretariat, Sector -9, Chandigarh.
3. Government Model Sr. Sec. School through its Principal, Sector 20, Chandigarh.

...RESPONDENTS

BY ADVOCATE: SHRI K.K. THAKUR

ORDER

HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-

The applicant, a Science Non-Medical Mistress, Govt. Model Sr. Sec. School, Sector 20, Chandigarh, suffered a departmental

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inquiry under the Punjab Civil Services (Punishment and Appeal) Rules 1970 for being willfully absent from duty w.e.f. 19.03.2013 despite rejection of her extension application for ex-India leave for the period from 19.03.2013 to 30.09.2015 and obtaining immigrant visa of Canada, violating thereby rule 3 of the Punjab Govt. Employees (Conduct) Rules 1966 as applicable to Chandigarh employees, vide the charge memo dated 03.11.2014 (Annexure R-10). The Inquiry Officer found the charges proved, vide his report dated 13.01.2015 (Annexure R-15). Copy of the inquiry report has been communicated to the applicant for her reply in defence, vide the letter dated 05.03.2015 (Annexure R-17). The applicant has not submitted her reply.

2. The applicant had earlier been censured for proceeding on ex-India leave without prior sanction in 2010, vide the order dated 27.02.2012 (Annexure R-2), and ex post facto sanction was accorded, vide the order dated 23.03.2012 (Annexure R-3). Ex-India (Extraordinary) leave for the period from 17.09.2012 to 18.03.2013 was sanctioned in favour of the applicant subject to usual terms and conditions, including the one stating that "no extension in leave once sanctioned shall be granted and if the concerned employee fails to return on expiry of sanctioned leave,

she is liable to be dismissed from the service", vide the order dated 27.06.2012 (Annexure A-2). However, her request dated 14.09.2012 (Annexure A-4) for further leave until 30.09.2015 on medical grounds was rejected and she was directed to join duty immediately, vide the letter dated 20.09.2013 (Annexure R-8). Before initiating disciplinary action, the applicant was issued an SCN dated 11.08.2014 (Annexure R-9) giving her "last opportunity to join her duty within a week" and further stating that "failing which disciplinary action for her willful absence from duty w.e.f. 19.03.2013 onwards will be taken as per rules".

3. In the above background, she was also placed under suspension, vide the order dated 01.10.2014 (Annexure A-8).

4. The applicant, through the instant O.A., prays that the order of suspension (Annexure A-8) be set aside and that the respondents be directed to consider her application (Annexure A-4) for grant of ex-India leave on medical grounds.

5. We have heard the learned counsel for the parties, perused the pleadings and given our thoughtful consideration to the matter.

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6. In the facts and circumstances of this case, we see no ground to interfere with the order of suspension. Prayer for direction to the respondents to afresh consider the applicant's application for further ex-India leave on medical grounds, can also not be accepted, the same being in contravention of the condition of earlier sanction of ex-India leave.

7. We are of the view that the O.A. is devoid of merits. The same is, therefore, dismissed. No order as to costs.

(DR. BRAHM A. AGRAWAL)
MEMBER(J)

(RAJWANT SANDHU)
MEMBER(A)

Dated: 19 .08.2015
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