

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.117/2015

Order Reserved on: 29.04.2016
Order pronounced on 05.05.2016

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Dr. B. K. Sinha, Member (A)

Mrs. Jayashree Natarajan
25 Parklands Close
II Ford, Essex
IG2 7QR
United Kingdom

At also Flat 2A, Plot No.984
Muthudharma Apartments
KK Nagar, Chennai-600 078
India.

... Applicant

(By Advocate: Ms. Seema Sharma)

Versus

1. Union of India
Through Secretary
Ministry of External Affairs
South Block, New Delhi.
2. High Commission of India, London
Administration Wing, U.K.
Through Ministry of External Affairs
3. Ministry of External Affairs
Through Secretary
Ministry of External Affairs
South Block, New Delhi.

... Respondents

(By Advocate: Mr. Rajender Nischal)

ORDER

By V. Ajay Kumar, Member (J):

Heard both sides.

2. The applicant, a Visa Clerk in the 2nd Respondent-High Commission of India, London, filed the OA, questioning her termination from service vide the Office Order dated 30.05.2014.

3. The applicant was appointed as a locally recruited Visa Clerk in the 2nd Respondent-High Commission of India, London, on temporary and ad hoc basis, vide the order dated 06.02.2002. It was stated in the said order that she will be on probation for a period of one year and on satisfactory completion of the said period, she will be considered for regular appointment and that her appointment will be governed by the terms and conditions of service applicable to the local employees, as amended from time to time.

4. The respondents, vide Office Order dated 17.04.2003, declared the successful completion of probation by the applicant w.e.f. 05.02.2003.

5. The applicant submits that since her appointment she has been rendering unblemished service and to the best satisfaction of the respondents. It is further submitted that since the applicant was without a child and with an intention to undergo infertility treatment which involves repeated medical trials and long continuous medical

sessions, she needed to travel to India frequently and accordingly she was constrained to seek frequent leaves. But the respondents though initially granted leaves for some time but refused the same subsequently.

6. It is further submitted that the respondents vide letter dated 11.04.2014 while granting a leave upto 20th April, 2014, advised the applicant to report for duty after the expiry of the leave on 20.04.2014, failing which the High Commission will be constrained to terminate her services. The applicant's further leave applications were unanswered and finally the respondents illegally terminated the services of the applicant vide Office Order dated 30.05.2014.

7. Per contra, the respondents while drawing attention of this Tribunal to Annexure 5 to their counter, whereunder the details of Earned Leave/Sick Leave and Extra Ordinary Leave availed by the applicant, submits that since the applicant availed all the leaves to her credit and since there is no provision for granting any further Extra Ordinary Leave, beyond the maximum of three months vide Annexure A3, dated 11.04.2014, while granting leave upto 20.04.2014, the applicant was advised to report for duty after the expiry of leave on 20.04.2014 and also informed the applicant that if she fails to report as such, her services will be terminated. In spite of the same, the applicant sought for extension of further leave till 30.06.2014 which was rejected by the respondents vide Annexure A4 dated 15.04.2014. Since the applicant failed to report back, the respondents were

constrained to terminate the services of the applicant vide the Office Order dated 30.05.2014, as per Rules.

8. The respondents further submit that the CCS (CCA) Rules, have no application to the applicant who was locally recruited in a Mission abroad and the applicant is governed by the Terms and Conditions of service of local employees of the High Commission of India, London. The services of the applicant were terminated in terms of the said rules, and hence, the impugned termination order is in accordance with law.

9. The applicant though contended that the respondents violated the disciplinary rules applicable to her but miserably failed to show any such rule and also failed to show how the CCS (CCA) Rules, apply to the applicant. The applicant also failed to show any violation of the Rules applicable to the local employees of the respondent-High Commission. After perusing the details of the various leaves availed by the applicant and the terms of conditions applicable to the applicant, we do not find any illegality or irregularity in the impugned termination order.

10. Accordingly, in the circumstances and for the aforesaid reasons, the OA is dismissed being devoid of any merit. No costs.

(Dr. B. K. Sinha)
Member (A)

(V. Ajay Kumar)
Member (J)