

(2018) 03 CAT CK 0049

In the Central Administrative Tribunal

Case No : Miscellaneous Application No. 241 Of 2017, Original Application No. 3375 Of 2016

Maya Devi

APPELLANT

Vs

Govt. Of NCT of Delhi And Ors

RESPONDENT

Date of Decision : 14-03-2018

Acts Referred:

Citation : (2018) 03 CAT CK 0049

Hon'ble Judges : Jasmine Ahmed, J; Praveen Mahajan, Member (A)

Bench : Division Bench

Advocate : Lalta Prasad, Amit Anand

Final Decision : Dismissed

Judgement

Jasmine Ahmed, J

1. The applicant herein has challenged the impugned order dated 01.11.1991 by which order, the husband of the applicant was removed from service as he was un-authorizedly absenting himself from duty without any information. It is also seen in the order dated 01.11.1991, that the husband of the applicant was not found at the given address when in service and Office Memo Nos. 10382 dated 22.07.91 and 11302-6 dated 09.08.91 were also issued directing him to join the duty. The respondents finally published notice in the Hindi daily "Hindustan" directing the husband of the applicant to join back duty within 10 days from the date of the publication of this notice. It was also mentioned in the said notice that on failing to join back on duty it shall be presumed that employee was not interested to continue in the service and accordingly he will be removed from service. As he failed to join back his duty, ultimately he was removed from service vide its order dated 01.11.1991. After that the husband of the applicant expired in the year 2002. The applicant after the death of her husband has filed this O.A. for quashing the order dated 01.11.1991 and to pay all the retiral benefits. The matter was listed before this Tribunal and it was observed that this matter is abnormally delayed. Learned counsel for the applicant sought time

for filing an appropriate application. Accordingly, he has filed application for condonation of delay.

2. We have gone through the said application. We find no cogent reason to condone the delay of 25 years from the date of passing of the impugned order. Learned counsel for the applicant contended that the husband of the applicant was not well and ultimately he was taking treatment and then expired in the year 2002. But we do not find any prescription in support of the contention that the husband of the applicant was suffering from any disease and that was the reason for un-authorized absence. More so, after the impugned order dated 01.11.1991, the husband of the applicant was alive till 2002, even in between this period no appeal was filed by the husband of the applicant to the respondents nor he ever approached any legal forum challenging the impugned order passed by the respondents. Even from the death of the husband of the applicant in the year 2002, the applicant has approached this Tribunal only in the year 2016 i.e. also after a long period of 14 years. The reasons stated in the M.A. for condonation of delay do not seem to be justifiable or cogent at all, nor the delay is explained.

Accordingly, taking into consideration various judgments of the Hon'ble apex Court holding that if a person is sleeping for years, he is not entitled to get any relief at a belated stage and the impugned order being dated 01.11.1991 has been challenged before this Tribunal in the year 2016, around 25 years later. Hence, at this belated stage, we are not inclined to condone the delay. Accordingly, application for condonation of delay as well as the OA is dismissed.