

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.22389 of 2015(O&M)

Date of decision:19.10.2015

Head Constable Kashmira Singh

....Petitioner

VERSUS

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. G.S. Bal, Senior Advocate with
Mr. L.S. Bhullar, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to an order passed by learned Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for short 'Tribunal') on 30.07.2014 whereby an Original Application filed under Section 19 of the Administrative Tribunal Act, 1985 was dismissed as barred by limitation.

The petitioner has challenged the orders dated 28.08.1996 and 03.07.1997 in an Original Application filed in the year 2013. Learned Tribunal has rightly found that the impugned order is a 'stale' one. Learned Tribunal has also found that the petitioner proceeded on ex-India leave and it was a part of condition of the ex-India leave that if the employee does not return within 180 days, the employee would be deemed

to have resigned. Learned Tribunal found that there is no reason to dispute the deemed resignation in such manner.

We do not find any error in the findings recorded by learned Tribunal which may warrant interference in the writ jurisdiction of this Court.

Dismissed.

(HEMANT GUPTA)
JUDGE

OCTOBER 19, 2015
'D. Gulati'

(RAJ RAHUL GARG)
JUDGE