

2

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.842/2002

Monday, this the 1st day of April, 2002

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Gurdip Singh s/o Shri Munsha Singh
aged about 53 years and working as Attache in
Embassy of India Ankara (Turkey)
C/O Ministry of External Affairs, South Block
New Delhi-1

..Applicant

(By Advocate: Shri Gyan Prakash)

Versus

1. Union of India
through Foreign Secretary
Ministry of External Affairs
South Block, New Delhi-1
2. Joint Secretary (AD)
Ministry of External Affairs
South Block, New Delhi-1
3. Under Secretary (PB)
Ministry of External Affairs
South Block, New Delhi-1

..Respondents

O R D E R (ORAL)

Hon'ble Shri S.A.T. Rizvi, M (A)

The applicant posted as Attache in the Indian Mission at Ankara will complete his term on 15.4.2002 whereafter he is supposed to revert back to the Headquarters at Delhi. The applicant's daughter, who is reading in the American School at Ankara in the 11th standard, is at a crucial stage of studies. Her educational career will badly suffer if the applicant is reverted to the Headquarters at this stage. Furthermore, the applicant's wife, who is suffering from a malignant brain tumour, is receiving treatment at Ankara. The daughter of the applicant looks after her mother also. From the letter of First Secretary (HOC), Embassy of India Ankara dated 28.1.2002 (A-4), it appears that the

d

3

(2)

V applicant was given the current posting at Ankara on the ground of the medical treatment of the applicant's wife, who had undergone a major brain surgery for Malignant tumour which had since spread to her spinal cord and had damaged two discs. Insofar as the daughter's education is concerned, in normal course, she would complete her 12th standard examination by June, 2003. However, in order to accommodate the special need of the applicant's family, the American School at Ankara has agreed to compress the syllabus to enable the applicant's daughter to complete her term in the school by January, 2003. In the circumstances, the applicant's need will be adequately served, if he is allowed to stay on at Ankara till January, 2003.

2. The learned counsel appearing on behalf of the applicant has drawn our attention to the policy circular issued by the Ministry of External Affairs (A-7) which, inter alia, provides as under:-

"3) Extensions in A/A* Stations are discouraged (.) Requests for extensions will be taken up for consideration generally on the grounds of life threatening diseases, accident and crucial stage of education of children supported by documentary proof and duly recommended by HOM/HOP(.) The Missions are requested to take due care in making recommendation regarding extension(.)"

3. Turki not being an A/A* Station, the applicant's case is fully covered by the aforesaid policy provision. The learned counsel further submits that by adhering to the same policy, the respondents have granted ~~the~~ extensions of time to a number of officials in the recent

37

(3)
2 of the type 2

past. Seven different cases have been listed by the applicant in his letter to the Foreign Secretary (A-4). We have perused the same and find that in all these cases, education was made the ground for granting extensions ~~extended~~ *extending* from five months upto eleven months. The applicant's case has been recommended not only by the First Secretary, but also by the Head of the Indian Mission at Ankara (A-2). The American School at Ankara has made a special provision in order to accommodate the special need of the applicant's family. The letter of rejection issued by the respondents (A-1) dated 27.11.2001 merely states that the Senior Establishment Board have considered the applicant's request but did not find it possible to accede to it. No specific reason has been assigned for rejecting the applicant's prayer for extension of time. We have already noticed that strong grounds exist in favour of the applicant's prayer which has been supported, inter alia, by the Head of the Indian Mission at Ankara. The grounds taken by the applicant, namely, the serious illness of his wife and the education of his children are genuine. On an earlier occasion, while posted at Baghdad, the applicant was evacuated prematurely due to unforeseen war conditions which prevailed at that time in the Gulf region. The education of his daughter was adversely affected at that time also. Her educational career will, in our view, suffer irreparably, if the applicant is asked to revert back to the Headquarters before January, 2003.

4. In the circumstances mentioned in the preceding paragraphs, we are inclined to quash and set aside the


4

(4)


letter dated 27.11.2001 (A-1) as also the Fax Messages placed at A-3 & A-5 by all of which, the applicant's prayer has been rejected without specifying good and sufficient reasons. The respondents will be at liberty to review the position in the light of the observations contained in this order and whatever else has been submitted by the applicant in the present OA sympathetically and pass a reasoned order as expeditiously as possible. Until the orders^{✓ as ✓} above are passed, the applicant will be allowed to stay on at Ankara..

5. The present OA is disposed of in the aforesaid terms at the admission stage itself. No costs.

Issue Dasti.


(S.A.T. Rizvi)

Member (A)


(Ashok Agarwal)
Chairman

/sunil/