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CENTRAL ADMINISTRATIVE TRIBUNAL. PRINCIPAL BENCH

OA No.60/2002

New Delhi, this 11th day of January, 2002

Honble Shri Justice Ashok Agarwal, Chairman  
Honble Shri M.P.Singh, Member(A)

Dr. Indu Kaushik  
A-23, Sector 34, Noida (UP) .. Applicant

(By applicant in person)

versus

1. Director General  
ESI Corporation, Panchdeep Bhawan  
Kotla Road, New Delhi
2. Medical Commissioner  
ESI Corporation, Panchdeep Bhawan  
Kotla Road, New Delhi .. Respondents

(By Shri G.R.Nayyar, Advocate)

ORDER(oral)

By Shri M.P. Singh, Member(A)

The applicant is working as Specialist Gyanae in ESI Hospital, Okhla and has been selected for WHO fellowship for one month at PGI, Chandigarh commencing from 15.1.2002. Respondents are not permitting her to take the fellowship on the ground that no substitute is available for posting in applicant's place if she proceeds to attend the fellowship. Applicant has contended that since the ESIC Hqrs. have duly forwarded her application without any condition to attend the fellowship, she should be immediately allowed to go to attend it. She has alleged that it is only in her case where <sup>she</sup> has not been allowed to attend the fellowship on the ground that substitute is not available.

2. Respondents on the other hand have denied the contention of the applicant. They have submitted that at present the other specialist Dr. Mrs. Rita Bakshi has

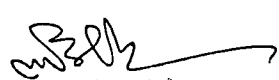
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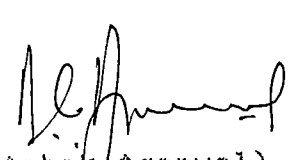
already gone to attend the WHO fellowship course for six months from 2.10.2001 and there is no Specialist who can be posted in applicant's place <sup>if</sup> she proceeds on fellowship. It is submitted by them that in the circumstances they would relieve her for attending WHO training programme as soon as the other specialist returns for duty or a second specialist is available at any other Hospital.

3. The applicant submitted that for this course all arrangements have already been made and money has been paid by WHO to PGI, Chandigarh for the course. If she is not sent to attend the training, all the arrangements made by her and the money paid by WHO would become waste and she would not get a similar chance again.

4. In the circumstances, we are of the view <sup>that</sup> ~~of~~ ends of justice would be duly met if we direct the respondents to relieve the applicant for attending the training. Accordingly, respondents are directed to relieve the applicant for attending the training commencing from 15.1.2002 and post some other specialist in her place during her absence on training. This order shall not be treated as a precedent as we are of the view that in case applicant falls ill, similar arrangement will have to be made by the respondents during her absence on illness. The OA is disposed of on the above terms. No costs.

5. ORDER DASTI.

  
(M.P. Singh)  
Member(A)

  
(Ashok Agarwal)  
Chairman

/gtv/