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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 923/2002

This the 5th day of April, 2002

HON'BLE SH. KULDIP SINGH, MEMBER (J)

Mrs. Jyotsna Sharma
W/o Mr. Sudhir Sharma,
C/o Mrs. Sarika Mahendro,
M-44, Pratap Nagar,
Delhi-110007. Applicant
(By Advocate: Ms. Shilpa Chohan)

Versus

1. Director
Indian Agricultural Research Institute,
Pusa Road, New Delhi-110012.
2. Project Director,
National Research Centre on Plant Biotechnology,
Indian Agricultural Research Institute,
New Delhi-110012. Respondents

ORDER (ORAL)

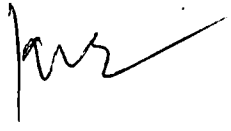
By Sh. Kuldip Singh, Member (J)

Heard learned counsel for the applicant.

2. The applicant claims that her appointment to the post of Post Doctoral Fellow has been terminated illegally. The applicant wants a direction to the respondents to quash the impugned order dated 27.12.2001 and further directions to consider the case of the applicant for extension by a select committee and grant all consequential benefits.

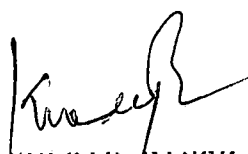
3. I have heard the learned counsel for the applicant and have gone through the records of the case.

4. It will not be out of place to mention that applicant had earlier filed an OA No.3098/2001 wherein she had averred that while she was pursuing her job of Post Doctoral Programme, had proceeded on maternity leave and on her return from maternity leave, she was not allowed to join nor she received any order of sanctioning the maternity leave though she had made a



representation, so the OA was disposed of with a direction to the respondents to dispose of the representation of the applicant, which has been disposed of vide order dated 27.12.2001 (Annexure A-11). Department has given a detailed reason as to how it was not desirable to continue the applicant and they had terminated the appointment of the applicant as Post Doctoral Fellow w.e.f. 25.3.2000 consequent on expiry of her maternity leave. So now the applicant's grievance although it is admitted by her that on her return from maternity leave she was not allowed to work. So now the only question to be decided by this court is as to why she was not allowed to work after return from maternity leave.

5. I have also gone through the offer of appointment which provides that the Associateship or Fellowship can be terminated by the appointing authority with or without notice, if at any time the scholar/investigator is found to be negligent in his or is guilty of unbecoming conduct. The reasons assigned in the order also show that the services had been terminated w.e.f. the date when the applicant returned from maternity leave and she was not allowed to join and this has been done because she was negligent. Since the applicant was not allowed to join her Fellowship and her services were terminated on the ground of negligent conduct immediately on the date of return from maternity leave, the impugned order has been passed in pursuance of the order passed by this Tribunal and no fault can be found with it and the same is in consonance with the offer of appointment. Hence, I find no merits in the OA and the same is dismissed.


(KULDIP SINGH)
Member (J)

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