

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Thursday 23rd day of November Two Thousand And Seventeen

PRESENT:
THE HON'BLE MR. R. RAMANUJAM, MEMBER (A)

O.A./310/01799/2017

T. Anantha Jothi F/A-31)
Staff Nurse,
D/o. L.Thiyagarajan,
Working under: The Dean,
ESIC Model Hospital, Medical College and PGIMSR,
K.K. Nagar,
Chennai- 600 078Applicant

(By Advocate : Mr. M. Dhamodharan)

VS.

1. Union of India
Through Secretary,
Ministry of Labour & Employment
Govt. of India (Social Security Division),
Shram Shakti Bhawan,
New Delhi- 110001;
2. The Director General,
Headquarters Office,
Employees State Insurance Corporation (ESIC),
Panchdeep Bhawan, CIG Marg,
New Delhi- 110 002;
3. The Dean,
ESIC Model Hospital, Medical College and PGIMSR,
K.K.Nagar,
Chennai- 600 078;
4. The Deputy Director (Admn.),
ESIC Model Hospital,
K.K. Nagar,
Chennai-78. ...Respondents

(By Advocate: Mr. Ramachandramurthy)

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member (A))

The O.A. has been filed by the applicant seeking the following relief:-

"direct the Respondents No.2 , 3 & 4 to sanction the study leave of the applicant as sought vide her representation dated 14.10.2017 & 28.10.2017 (Annexure-A/3) for two years to pursue M.Sc. Nursing Course for which she has been selected for admission in the Academic Session 2017-2018 along with relieving order, experience certificate and character certificate"

2. The case of the applicant is that she is presently working as Staff Nurse in ESIC at Chennai on transfer from New Delhi and had completed more than five years period of regular service. She submitted a representation dated 4.5.2017 to the respondents duly informing them of her intention to apply for M. Sc Nursing Course and requested for grant study leave. Respondents forwarded her application to Dr. MGR Medical University, Tamilnadu, on 7.9.2017 for M.Sc. Nursing course. Applicant informed the 2nd respondent about her selection to the Nursing Course along with her rank in the select list and requested for grant of study leave. On 20.10.2017, No objection Certificate was issued by the respondent permitting the applicant to appear for the counselling.

3. On 23.10.2017, the applicant appeared for the counselling and was allotted a seat in M.Sc. Nursing Course in Madras Medical College of Nursing at Chennai. On 28.10.2017, she submitted a representation to the 2nd respondent for grant of study leave. As there was no response from the respondents, the applicant joined the course at Madras Medical College of Nursing at Chennai on 10.11.2017. However, on the same day she received a letter from the 4th respondent rejecting her application for study leave for the period from 1.11.2017 to 31.10.2019 for the said purpose. Hence, applicant has filed this O.A. seeking the aforesaid relief.

4. Heard. Learned counsel for the applicant submits that one Ms. Anita belonging to the same organisation, who was selected in Bhopal Nursing College, had been granted study leave for pursuing M.Sc. (Nursing) on



regular basis for two years for the Academic Session 2016-2018 whereas the case of the applicant was rejected which is discriminatory.

5. On perusal of the impugned order dated 10.11.2017, it is seen that it merely states that application for study leave for the period from 01.11.2017 to 31.10.2019 for doing M.Sc. (Nursing) had not been considered by the competent authority. No reasons for rejection had been disclosed. Clearly, her application has been rejected through a non-speaking order.

6. Learned counsel for the applicant would submit that applicant would be satisfied if the respondents are directed to pass a reasoned and speaking order in this regard inter alia clarifying how the said Ms. Anita, who is similarly placed as that applicant in the same organization, had been granted study leave for doing M.Sc. (Nursing).

7. Mr. Ramachandra Murthy, Learned Standing counsel takes notice on behalf of the respondents.

8. In view of the submission of the learned counsel for the applicant and considering the non-speaking nature of the impugned communication, the competent authority is directed to reconsider the application of the applicant for grant of study leave for the period from 01/11/2017 to 31/10/2019 and pass a reasoned and speaking order within a period of three weeks from the date of receipt of copy of this order. The order must reflect due application of mind by the competent authority and deal with the allegation of hostile discrimination made by the applicant.

9. With the above terms, the O.A. is disposed of. No costs.