

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 304/1996

New Delhi this the 7th day of December. 1999.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SMT. SHANTA SHASTRY, MEMBER(A)

Dr.D.P.Handa S/o Late Sri G.P.Handa,
R/O 989, Civil Lines,
Jhansi.

...Applicant

(By Advocate Shri S.S.Tiwari)

-Versus-

1. Union of India through
its Secretary,
Director General,
Department of Agricultural
Research Education, Krishi Bhawan,
New Delhi.
 2. I.C.A.R. (Indian Council of
Agricultural Research) through
its President, Krishi Bhawan,
New Delhi.
 3. Director (Personnel),
Union Council of Agricultural Research
Institute, Krishi Bhawan,
New Delhi.
 4. Director, Indian Grassland and Fodder
Research Institute (I.G.F.R.I)
District Jhansi.
- ...Respondents

(By Advocate Shri R.S.Aggarwal)

O R D E R (ORAL)

Smt. Shanta Shastry, AM :

The applicant who is a Senior Scientist with the Indian Grassland and Fodder Research Institute, Jhansi was granted study leave for a period of two years with effect from September 1986 upto 1988 for doing Ph.D.degree at I.A.S.R.I. under the Indian Agricultural Research Institute, New Delhi as an I.C.A.R. nominee. The applicant could not complete his study within the period of two years though he had

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completed substantial part of his work by then. Since his study leave was over in September 1988, he availed of Earned Leave for 4 months from 26.9.1988 to 25.1.1989 for pursuing the study further. After no leave was left to his credit, he was given extra-ordinary leave upto 30.3.1990 i.e. for a period of 14 months.

2. On 27.2.1989, the Ministry of Finance, Department of Expenditure issued a letter regarding revision of pay scales of Scientists in the Indian Council of Agricultural Research. Under this circular, approval was given for revision of the pay scales of the officers of the Ministry of Agriculture. This circular also mentioned that study leave for doing Ph.D will be regulated in the same manner as under the University Grants Commission system. Subsequently the Indian Council of Agricultural Research issued a letter dated 9.3.1989 for introduction of revised pay scales in respect of Agricultural Research Scientists of the I.C. A. R and its research institutes giving them effect from 1.1.1986.

3. Three years later on 17.2.1992, the Indian Council of Agricultural Research came out with Agricultural Research Service Study Leave Regulations, 1991. These Regulations were made effective from 27.12.1991. A provision was also made for those officers who had proceeded on study leave before 27.12.1991 and who were continuing on study leave at

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the time of issue of these Regulations that the benefits of the new regulations will be extended to them depending upon the merit of each case.

4. Relying upon the circular dated 27.2.1989 of the Ministry of Finance whereby the U.G.C. pattern was to be made applicable in regard to the study leave, the applicant has now prayed that he should be given the benefit of the new Study Leave Regulations and thereby be given all the monetary benefits attendant to the grant of study leave. He has also prayed that the period of his study leave from the month of September 1988 upto the month of September 1990 should be adjusted in place of the leave taken by him from the month of September 1988. The learned counsel for the applicant contended that the Government had already decided way back in 1989 when they issued the circular letter dated 27.2.1989 that the I.C.A.R. would adopt the U.G.C. pattern even in regard to the study leave. Since the applicant was on study leave during that period, he should get the benefit i.e. his study leave should have been extended by one more year as has been provided for in the new Regulations dated 27.12.1991. The learned counsel submitted that the Government decision is very clear and the applicant is entitled to extra one year of study leave in accordance with the U.G.C. pattern adopted by the I.C.A.R.

5. The learned counsel for the respondents, however, denied that such a benefit could be given to the applicant because according to the respondents.

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the I.C.A.R. has come out with separate regulations for study leave. The respondents have issued separate orders in respect of separate benefits. The revised pay scales were made applicable with effect from 1.1.1986 though the orders were issued in March 1989. There was a conscious decision to do so. However, no such indication was given about making applicable the Study Leave Regulations from 1.1.1986. Unless the regulations are issued, it cannot be taken that the U.G.C. scales or the U.G.C. Regulations would apply automatically from 1.1.1986. The learned counsel for the respondents has also quoted a judgement of the Supreme Court in I.C.A.R. v. Satish Kumar, AIR 1998 SC 1782 whereby it was held that the competent authority can take separate decisions for separate benefits.

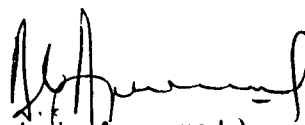
6. After hearing the learned counsel for both the parties and perusing the record, we find that a clear intention was expressed in the circular dated 27.2.1989 of the Ministry of Finance that the U.G.C. pattern was to be adopted in all respects by the I.C.A.R. There is a specific mention about study leave also in that circular. It has been the policy of the Government to encourage its officers to acquire higher qualifications because in the ultimate analysis that would be in the interest of the organisation itself. Since the Government's intention was very clear right from the beginning to adopt the U.G.C. pattern for the I.C.A.R. officers and such intention was given written form by the letter dated 27.2.1989, we are inclined to grant the benefit of the Study

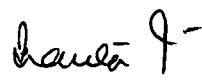
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Leave Regulations of the U.G.C. system which has been adopted by the I.C.A.R., to the applicant. Accordingly the respondents are directed to extend the study leave of the applicant from the month of September 1988 up to 30th March, 1990 and give him all the consequential benefits. The earned leave and extraordinary leave for the said period be adjusted accordingly.

7. In the facts and circumstances of the case, the O.A. is allowed. There will, however, be no order as to costs.


(Ashok Agarwal)
Chairman


(Shanta Shastri)
Member (A)

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