

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

O.A.No.1578/97

Hon'ble Sh. R.K. Ahooja, Member (A)

New Delhi, this the 7th day of January, 1998

Shri S.N.Panigrahi  
s/o Padmanabha Panigrahi  
r/o 214, Laxmibai Nagar  
New Delhi - 110 023  
Publication Division, New Delhi.

... Applicant

(Applicant in person)

Vs.

Union of India  
through the Secretary  
Ministry of Information & Broadcasting  
6th Floor, Shastri Bhawan  
A Wing, New Delhi.

... Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R (Oral)

The applicant who is working in the Ministry of Information and Broadcasting and was posted as Editor in the Publication Division is aggrieved by the order Annexure-A1 whereby his representation, against the decision to refuse study leave for Law Graduation course, has been rejected. The applicant claims that he had already obtained permission to study L.L.B. at the University of Delhi. He had expected initially that he would be able to follow the course while attending to his normal duties but as later on he found difficulty in doing so he applied for study leave. His grievance is that the original leave application as well as the appeal were rejected without intimating him the grounds thereof. He submits that his application for study leave is covered by the Rules on the subject and that by rejecting his application for study leave, he has been discriminated by the respondents.

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2. The respondents in their reply have submitted that study leave can be sanctioned subject to exigencies of public service. The grant of study leave is also subject to the condition that it will not be granted unless it is for prosecution of studies in other than academic or literary subjects. Since L.L.B. is an academic course, his request for study leave was rejected.

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3. I have heard the applicant in person and Shri V.S.R.Krishna, learned counsel for the respondents. The applicant has argued that grant of permission for joining the L.L.B. course implied that the respondents had already accepted that the prosecution of this study would be beneficial in discharging of his official duties. Having come to the said conclusion the respondents could not change their stand and say that the study leave could not be granted because it had no connection with his ability to discharge his duties more efficiently. He also points out that the Publication Division where he is working publishes a number of books on legal subjects and therefore knowledge of law which he would obtain by prosecuting his studies in L.L.B. will be of great use to the Department. He also cites the Judgment of Calcutta High Court in Bholanath Khasnabis Vs. State, AIR 1981 Calcutta 316 in which it was held as follows:

"an L.L.B. Degree is a specialised and in technical nature and in the facts of the petitioner's case it helped the petitioners and the added respondents in the discharge of their duties. In other words, it was not seriously contested that the second and the third conditions for entitlement to the incremental benefits under the above mentioned Memorandum. Controversy that was raised before me was on the question as to whether the L.L.B. Degree of the Calcutta University was a post graduate Degree or not."

4. Finally the applicant points out that the respondents in another case of his colleague, one Shri Ramashesh Viswanath had granted study leave for three years for a music project even though there is a separate and specialised Drama Division which caters to this requirement.

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5. I have considered the matter carefully. It is correct that the impugned order of rejection of the representation does not give any specific details regarding the grounds on which it has been rejected. Nevertheless, from the counter and the arguments advanced by the learned counsel for the respondents it is clear that rejection is on the ground that the prosecution of studies in L.L.B. is for an academic subject. Having perused Rule-50 of the Leave Rules, a copy of which has been annexed both by the applicant as well as the respondents, I am of the view that the case of the applicant does not fall within the permissible area of study for which study leave can be granted. The applicant is a member of the Indian Information Service, and at the time the applicant was working as an Editor in the Publication Division. The Publication Division publishes books not only on legal subjects but also on a variety of subjects which are of interest to the general public. Therefore, a direct nexus cannot be seen in the study of law and an improvement in applicant's capacity to discharge his functions as an Editor in the Publication Division. Rule 50(3)-2(i) also clearly states that study leave should be granted for prosecution of studies in subjects other than academic or literary subjects. L.L.B. is admittedly an academic course. The citations which produced by the applicant are not relevant to the issue here. In Bholanath Khasnabis (Supra) the question was whether the grant of increments to those working under the Judgeship of the District Judge, Hooghly who were holding L.L.B. Degree required Post Graduate Diploma for obtaining the additional increments. In L.M.Sundaram Vs. Director of Legal Studies, AIR 1981 Mad. 204 (Para 20) the question related to the Rules framed by the Bar Council of India for attendance in a regular course in L.L.B. Quite clearly the issues therein had no connection whatsoever for grant of study leave to a Government servant.

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6. Since the purpose for which the applicant had asked for study leave is not covered by the relevant leave Rules nor is there any clear nexus between the subject he wants to pursue and the nature of his job, I find that there is no ground for interfering with the decision of the respondents. As regards the question of discrimination, the respondents have stated that Shri Ramashesh Viswanath had been granted study leave for the purpose of undertaking a study on contribution of Indian music in National Integration through All India Radio and Doordarshan. Obviously this study is not related to acquisition of skill in music, but on a matter which could lead to the better working of the Broadcasting Division. The two issues, i.e., the pursuit of academic study in L.L.B. and a study on the contribution of Indian Music and National Integration in mass media cannot be equated.

7. In the light of the above discussion, I find no merit in the application which is accordingly dismissed. No costs.

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(R.K. AHOJA)  
MEMBER (A)