

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 2084/97

New Delhi, this the 19th day of September, 2000

Hon'ble Mr. Justice V.Rajagopala Reddy, VC (J)
Hon'ble Sh. Govindan S.Tampi, Member (A)

Dr. (Smt.) Tara Thomas
working as Regional Home Economist
Directorate of Extension
Department of Agriculture and Cooperation
Ministry of Agriculture
Resident of : No. 103, Centenary Hostel
YWCA, Ashoka Road,
New Delhi - 110001

(By Advocate : Sh. E.X.Joseph with Sh. S.S.
Sabharwal)

VERSUS

1. UNION OF INDIA through the
Secretary to the Government of India
Department of Agriculture
Krishi Bhawan,
New Delhi - 110001
2. The Director (Extension)
Department of Agriculture and Cooperation
Ministry of Agriculture
Krishi Vistar Bhawan
IASRI Complex,
PUSA,
NEW DELHI - 110012
3. Smt. Neeraj Suneja
Senior Home Economist,
Department of Agriculture and Cooperation
Krishi Vistar Bhawan
IASRI Complex,
PUSA,
NEW DELHI - 110012
4. The Union Public Service Commission
through its Secretary, UPSC
Dholpur House, Shahjahan Road,
New Delhi - 110011

.....Respondents

(By Advocate : Sh. S.M.Arif)

O R D E R (ORAL)

By Hon'ble Sh. Govindan S.Tampi, Member (A)

This application is filed by Dr.Tara Thomas
against the extension of her probation which had
resulted in her not being considered for promotion to

the post of Senior Home Economist which had gone to her junior, the 3rd respondent. It is seen that the applicant was appointed on 18-1-91 as Regional Home Economist through promotion category and she was placed on probation for two years which, should normally have ended on 17-1-93, but in between she proceeded on study leave for a period of two years, extended by another year. She was thus on leave during 1992-95. After she returned from the study leave, she again availed herself of Leave to the extent of 301 days in 3 spells. As a result her probation period came to be completed only on 11-11-96. When the promotion to the grade of Sr. Home Economists became due, her case was not considered and her junior was promoted. The applicant, therefore, challenges the extension of her probation and resultant consequences including denial of her promotion. 11

2. Arguing for the applicant, Sr. Advocate Sh. E.X. Joseph indicates that his client had gone on study leave only to further her expertise which had reference to her chosen field of work. She had done this only on the basis of the due sanction granted by the Competent Authority. That being the case, it could not be stated that the said period of study leave could not be included for computing the probation period. In fact, the period covered by the sanctioned study leave also should have been taken into consideration while computing the provision period. By not doing so, her period of probation got extended upto 11-11-96, to her detriment. This injustice should be undone, pleads Sh. Joseph.

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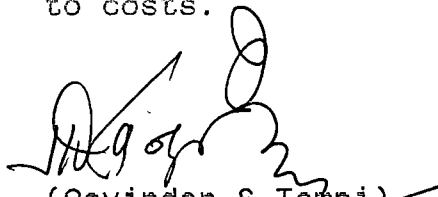
3. Contesting the above, Sh. Arif, the learned counsel for the respondent states that the applicant's proceeding on leave, on completing only 14 months of probation, against the period of two years and also availing herself for other leave totalling 301 days had rightly resulted in extension of her probation. Automatically, therefore, when the promotion post fell due in 1997, she had not completed 5 years of regular service which was requisite for promotion. In fact in 1994, the case of the applicant as well as of another person was put up for relaxation of qualifying service for promotion. Though DOPT agreed for the same, UPSC declined to give their concurrence. The matter was then not pursued. In 1997, when the vacancy arose and was to be filled up by the normal promotion channel, her case could not be considered as she had been completed the requisite period of 5 years, but had just completed her probation. Therefore, the respondent No.3, who was the only person who had completed the requisite period was considered for promotion and accordingly promoted. That being the case, the applicant should not have any cause for grievance, argues Sh. Arif.


4. We have given careful consideration to the matter. It is not disputed that the applicant would have normally completed her probation by 17-1-93, on two years from the date of appointment as Regional Home Economist. She could not do so on her being away on study leave for a period of 3 years and thereafter for another 301 days, during which period her services were not available to the department for assessing her

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performance, a requirement for certifying the completion of probation. Therefore, the department acted correctly by the proceedings dated 31-1-97, and indicated that she completed her period on 11-11-96. Natural corollary, therefore, is that when the promotion post of Sr. Home Economist, became available in 1997, she did not possess the requisite period of five years' regular service in the feeder cadre of Regional Home Economist. The person who completed the requisite period was, therefore, considered and accordingly promoted. The decision of the respondents is totally unassailable in the face of the Recruitment Rules. Even while agreeing for a moment that her higher studies for which she applied for and was granted leave had relevance to her field of work, we cannot agree that the same would override the requisite experience for the promotion post which she lacked. As such she has not made, in our opinion any case for our interference.

5. The application is, therefore, devoid of merits, fails and is accordingly dismissed. No order to costs.


(Govindan S. Tampi)
Member (A)


(V. Rajagopala Reddy)
Vice-Chairman (J)

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