

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 977/97

New Delhi, this the 29th day of May, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri S. P. Biswas, Member (A)

Dr. Sahadeva Singh, Asstt. Director (WS)  
Plant Quarantine and Fumigation Station,  
(Directorate of Plant Protection,  
Quarantine & Storage)  
IGI Airport Ter -I, New Delhi. ...Applicant

(By Applicant in person)

-Versus-

1. Secretary to the Govt. of India,  
Department of Agriculture & Cooperation,  
Krishi Bhawan,  
New Delhi.
2. Plant Protection Adviser to the Govt. of India,  
Directorate of Plant Protection,  
Quarantine and Storage,  
NH IV - Faridabad - Haryana. ...Respondents

(By Advocate: Shri N.S. Mehta)

O R D E R (Oral)  
(Dr. Jose P. Verghese, Vice-Chairman (J))

The petitioner approached this court alleging that the respondents have picked and chosen many of the officers for sending abroad for training under the United National Development Project (hereinafter called as UNDP). The guidelines under the Project, in our view, do not have the force of law which can be enforced through this Forum. Yet the grievance of the petitioner is that he is being discriminated in not selecting him for sending abroad for training.

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Learned counsel for the respondents stated that one of the hurdles to send the petitioner abroad is that he is not willing to state or give an undertaking that he is ready to abandon his lien with his parent body and thereafter take appropriate steps in accordance with rules. His contention is that after completion of the training if the petitioner runs away, the expenditure incurred through the Project will be a loss to the Project and the very purpose of sending abroad will also be defeated. He further expressed that unless and until the petitioner expresses his willingness to abandon his lien with the parent body, no steps can be taken for confirmation or completion of probation etc.

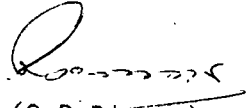
It is also submitted by the learned counsel appearing on behalf of the respondents that so far no officers have been sent from the discipline concerned and in the event of decision to send anyone abroad under this discipline, the respondents will not discriminate the petitioner in spite of the fact that these guidelines may not have force of law. In the circumstances, the only order that can be passed today is that in case the petitioner is willing to state that he is ready to abandon his lien with the parent body he may do so through a proper representation and the said express willingness shall be appropriately dealt with by the respondents in accordance with rules and when an opportunity comes in accordance with the guidelines for the petitioner to go for training abroad, the respondents shall pass orders in accordance with guidelines.


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It goes without saying that any other undertaking required to be given by any person who goes abroad for training under the Project will also be binding in this case as well. (6)

With these observations this OA is disposed of with no order as to costs.

A copy of this order be given to both the parties.

  
(S.P. Biswas)  
Member (A)

  
(Dr. Jose P. Verghese )  
Vice-Chairman(J)

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