

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. 251/88

Date of Decision :15.01.1993

Shri Kushi Ram Mann

... Petitioner

Versus

Union of India through
the Secretary (Technical Education)
Delhi Administration, Delhi

... Respondents

CORAM :

HON'BLE MR I.K. RASGOTRA, MEMBER (A)

For the Petitioner : Shri R.L. Sethi, Counsel
For the Respondents :

JUDGEMENTS (ORAL)

We have heard the learned counsel for the petitioner. None appears for the respondents. The case of the petitioner is that he was working as librarian in Delhi Administration in the pay scale of Rs.1400-1600. He applied for study leave on 21.9.84. The study leave was not sanctioned to him. He was, however, allowed to pursue for B.Lib. Science course from Banaras Hindu University in accordance with Director (DTE)'s letter No.F.2(3)/84/16794 dated 21.9.1984. On his making a representation against the refusal of grant of study leave, the respondents examined his case. This culminated in a recommendation being made by Professor-in-charge, College of Pharmacy to the Directorate of Technical Education vide letter 14.2.1986 (annexed to O.A.). The said letter brought out succinctly that the grant of study leave can be considered in the petitioner's case in terms

2

of Rule 50(2) (iii) of C.C.S. (Leave) Rules, subject to the following conditions:-

"(i) It is for due regard to the exigencies of public service.

(ii) It is for special course of study in a professional or a technical subject having a direct and close connection with the sphere of study.

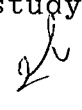
(iii) It is for widening mind of a expansion to improve his abilities to equip him better to collaborate with those employed in public service.

(iv) It is certified by the authority competent with the proposed course of study or training shall be for public interest."

2. Professor Incharge in the letter ibid further observed that "B.Lib.Sc. course pursued and completed by Shri K.R. Mann (petitioner)" is a course that fulfil all the form (four) conditions mentioned above."

3. I have heard the learned counsel for the petitioner and perused the records carefully, including counter-affidavit filed by the respondents. However, respondents remained unrepresented. The mainstay of Shri Sethi, learned counsel for the petitioner's argument is that the recommendations of the Professor-Incharge is synonymous to certification of public interest by the competent authority and, therefore, it is unjust and improper for the respondents to deny study leave to the petitioner. He further submitted that such action is violative of the statutory provisions made in the Rules.

4. The respondents in paragraph-6.8 of their counter-affidavit have explained that no public interest was involved in the case of the petitioner and hence no study leave



was admissible to him. The relevant portion of the counter-affidavit is reproduced below:-

".....as per rule 50 of the CCS Rules, 1972, Study Leave shall not be granted unless it is certified by the authority competent to grant leave that the prescribed course of study or training shall be of definite advantage from point of view of public interest Shri Mann was already possessing qualifications for the post of Librarian as prescribed in the Recruitment Rules and hence his pursuing the course of B.Lib.Sc. would not have made material difference in his efficiency to look after his official duties as he has no teaching or research assignment. Records reveal that Shri Mann never granted study leave. As such, there is no ground for reconsideration. Moreover, as per rule 7(i) of CCS Leave Rules, 1972, leave cannot be claimed as of right."

5. In the above view of the matter, it is considered expedient to set out the relevant rule for grant of Study Leave:-

"50(2)(i) For a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and

(ii) For the purpose of studies connected with the framework or background of public administration subject to the conditions that:-

(a) the particular study or study tour should be approved by the authority competent to grant leave; and

(b) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave."

6. A plain reading of the Study Leave Rules as extracted above indicate that the study leave can be sanctioned only if it is in 'public interest' and the 'public interest' has to be certified by an authority competent to grant leave. The said competent authority, in the case before us is certainly not the Professor-Incharge as he is only a recommendatory authority. Rule 3 (i)(c) of the Rules defines the competent authority as the authority specified in column (3) of the First Schedule to these rules, competent to grant the kind of leave specified in the corresponding entries in column (2) of the said Schedule."

7. The First Schedule referred to above specifies the following as the authority competent to sanction the study leave:-

(i) Ministry/Department of Central Government

(ii) Administrator

(iii) Comptroller and Auditor General

8. It is obvious from the above that Professor-Incharge is not the competent authority to sanction the study leave to the petitioner and for that very reason, he was not competent to certify that the sanction of study leave

g

to the petitioner was in public interest. The said certificate of 'public interest' had to be recorded by the Delhi Administration who are competent to the Statutory Rules. No such certificate was granted by the competent authority. Further the respondents in paragraph 6.8 of the reply have confirmed that pursuit of B.Lib.Sc course was not ^{likely} to enhance the efficiency of the petitioner in the discharge of his duties. The contention of the learned counsel Shri R.L. Sethi in this behalf is, therefore, not tenable.

9. The petitioner accordingly is not entitled to the grant of study leave, as the same was not in public interest as clarified by the respondents in paragraph 6.8 of their counter-affidavit adverted to earlier. I am, therefore, not inclined to interfere with the order of the respondents dated 9.9.1986. The petitioner has rightly been sanctioned all the leave of the kind due.

10. Since relief prayed for the grant of study leave is not allowed, the petitioner is not entitled to the second relief either. The O.A. is, accordingly, dismissed.

11. There will be no order as to costs.


(I.K. RASGOTRA)
MEMBER (A)

SSS