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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 544/88 198
T.A. No.

DATE OF DECISION 8.4.1988.

Shri Hari Dev Goyal Petitioner

Shri B.A. Sharma Advocate for the Petitioner(s)

Versus

Union of India Respondent

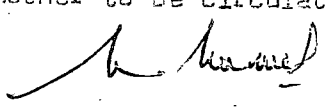
Shri P.P. Khurana Advocate for the Respondent(s)

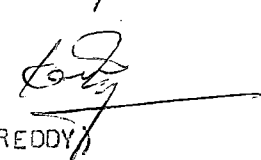
CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Yes
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the fair copy of the Judgement ? No
4. Whether to be circulated to all the Benches ?


(KAUSHAL KUMAR)
MEMBER (A)


(K. MADHAVA REDDY)
CHAIRMAN

8.4.1988.

3

DATE OF DECISION: 8.4.1988.

U. A. No. 544/88.

Shri Hari Dev Goyal ... Applicant

Vs.

Union of India . . . Respondent.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicant: Shri B.N. Sharma, Advocate.

For the respondent: Shri P.P. Khurana, counsel.

JUDGMENT

(delivered by Hon'ble Mr. Justice K. Madhava Reddy, Chairman).

The application has already been admitted, on 5.4.1988.

Shri P.P. Khurana, counsel for the respondent appeared and has produced the concerned file No. 11024/4/88-IES of the Ministry of Finance, Department of Economic Affairs. The applicant belongs to the Indian Economic Service and is, at present, posted as Director, Grade I of I.E.S. designated as Deputy Adviser in the Planning Commission, Government of India. He has been nominated by the Planning Commission in September, 1987 for the course of Financial Planning and Management in Central and Local Government at Strathclyde Business School, Glasgow, U.K. for a period of 12 weeks, along with six others.

9

He is one of the ten persons sponsored by the Department of Personnel and Training. The Cadre Controlling Authority has not relieved the applicant for undergoing the training and, therefore, he has moved this application for a direction against the Secretary, Department of Economic Affairs, Ministry of Finance to issue cadre clearance to the applicant so that he may alongwith others leave India at 0045 hours on 13th April, 1988 by BA 020 to join the training programme. The British High Commission has issued a letter dated 7th April, 1988 to the effect that they have received up to date and satisfactory medical and chest x-ray reports of all except the applicant and have made travel arrangements for the trainees to leave on the aforesaid date.

2. The only ground on which the cadre clearance is now withheld is that the applicant was awarded a censure in 1986 in respect of his service during the year 1980. When the Planning Commission, where he is presently working, itself is prepared to spare the applicant and he has been duly selected by the competent authority, we see no reason why the Cadre Controlling Authority should not relieve him to undergo the training. A mere censure cannot be a ground for denying him the opportunity to undergo training abroad. In fact, the extant Office Memoranda lay down that a mere censure should not stand in the way of promotion. That being the position, there shall be a direction to the respondent-Cadre Controlling Authority to relieve the applicant and issue all the necessary papers to enable him


[Signature]


5

-3-

to leave Delhi in accordance with travel arrangements already made for flying the trainees to London to undergo the training.. Copy of the British High Commission's letter dated 7th April, 1988 may be appended to this order and communicated to the respondent forthwith for relieving the applicant. Copy of this order be also issued to the Secretary, Ministry of Finance, Department of Economic Affairs and Secretary, Planning Commission, 'dasti'.

The Application stands allowed as indicated above. There will be no order as to costs.


(KAUSHAL KUMAR)
Member (A)
8.4.1988


(K. MADHAVA REDDY)
CHAIRMAN.
8.4.1988.