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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

DATED THIS THE

6th June 1992

Present:

Hon'ble Justice Shri Ram Pal Singh .. Vice-Chairman(J)
Hon'ble Shri PS Habeeb Mohamed .. Member (A)

APPLICATION No.741/1988

Babu Ram .. Applicant
S/o Munna Lal
Asstt. Commissioner (Soil &
Water Conservation Engineering)
Deptt. of Agriculture & Co-operation,
Ministry of Agriculture,
Shastri Bhavan,
New Delhi:

(Shri P.L. Mimroth, Advocate)

v.

1. Director, .. Respondents
Indian Agricultural Research
Institute, Pusa,
New Delhi.
2. Dean,
Post-Graduate School IARI,
Pusa, New Delhi.
3. Dr.JS Panwar,
Professor Agricultural Engineering,
IARI,
Pusa,
New Delhi.
4. Dr. T.K. Sarker,
Chairman Advisory Committee,
IARI, Pusa,
New Delhi.
5. Director-General,
Indian Council of Agricultural Research,
Krishi Bhavan,
New Delhi.
(Shri H.C. Kapoor, Advocate)

This application having come up for orders
before this Tribunal today, Hon'ble Shri P.S. Habeeb
Mohamed, Member (A), made the following:

O R D E R

In this O.A., filed under Section 19 of the

Administrative Tribunals Act 1985, Dr. Babu Ram who was Scientist Grade-I in the Indian Agricultural Research Institute (IARI), Pusa under the ICAR and now working as Assistant Commissioner in (Soil & Water Conservation Engineering) the Ministry of Agriculture has prayed for the issue of directions of the Tribunal quashing and setting aside the impugned order dated 28/12/1987 from the 5th respondent which reads as follows:

"With reference to Dr. Babu Ram's representation dated 18-11-1987 on the subject mentioned above, I am to inform you that Dr. Babu Ram's representation had been examined earlier on three occasions and the same was rejected all the times at the highest level in the Council. His fresh representation does not contain any new facts not given in earlier representations. In the circumstances, it is not possible to consider his representation on the subject any more. He may be informed accordingly.

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The case is that he was employed as Scientist Grade-I, he was admitted to Ph.D course in the IARI Pusa with effect from 21/9/1979 and sanctioned 2 years study leave by order dated 2/3/1980 whereby he had to join back to his services ^{after the leave}. The order dated 11/2/1980 ^{also referring to study leave} stated that on completion of course of study he should submit to the Head of Division a certificate of examination passed or special courses of study undertaken indicating the date of commencement and termination of the course with the remarks of the authority Incharge of the course of study. The applicant completed his research study, data analysis work, by 14/1/1982 to the satisfaction of the Advisory Committee. But the 3rd respondent who was working as Professor of ^{the} Discipline of Agricultural Engineering and functioning as the overall head of the discipline in which the applicant had joined in pursuance of the plan of the Post-Graduate work, demanded exposure of applicant's research material before forwarding to Respondent No.2, ^{even though the} Advisory Committee headed by Respondent No.4 found

the applicant suitably qualified and endorsed a certificate on the Relief Proforma for onward transmission to Respondent No.2, the Dean of the Post-Graduate School, IARI. Even the Academic Council in its meeting dated 6/12/1982 thought that the Respondent No.3 (the Professor of Agricultural Engineering) was wrong in his approach and passed the following resolution:

"The Academic Council after hearing the views of the member resolved that when a student seeks relief from the P.G. School, pending submission of thesis, the Professor concerned may ascertain the views of the concerned Advisory Committee if necessary in order to satisfy himself before issue of the certificate under Rule 11.9(b)."

But the applicant was not relieved till 26/7/1983 and there was a delay of 17 months and 17 days in relieving him by which he could not join his duties and earn his salary. Being aggrieved, he has made this prayer as mentioned earlier.

The Respondents No.1 to 5 have stated in their counter that he was relieved from the Post-Graduate School with effect from 26/7/1983 as certified by the Advisory Committee and the Professor of ^{the} Discipline of Agricultural Engineering that he had collected his required data for his Ph.D thesis and that the role of Professor, Head of ^{the} Discipline, Agricultural Engineering is not merely peripheral. It is also stated that Dr. Sarkar, the 4th respondent and Chairman of the Advisory Committee recommended his case for relief on compassionate grounds and not because the rules were satisfied and the rules clearly enjoined that the certificate of the Professor must be obtained (Professor of Engineering) before his relief.

There is also a rejoinder filed by the applicant.

The learned counsel for the parties argued the case on the basis of the averments made in the application and the counter. We have after perusing the averments and the other papers and after hearing the counsel found that the rule position is very clear in Chapter 11 of the Indian Agricultural Research Institute New Delhi, ~~the~~ ^{the} Post Graduate School Calendar, which deals with the relief from Post Graduate School, ~~the Relief Rules have been~~ mentioned. The rules read as follows:-

"A student may be relieved from the P.G. School with the prior permission of the Dean for accepting employment outside or for rejoining duty in the parent department if all the requirements including research work except submission of thesis have been completed subject to the following terms and conditions:

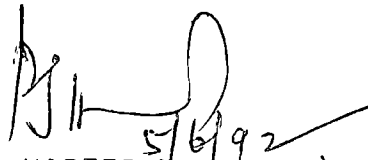
- (a) The request for relief shall be submitted in the prescribed proforma (Annexure XXIX) and shall give details of the progress of the research work, laboratory work, analysis of data and the stage of preparation of thesis.
- (b) The Chairman and the Professor concerned shall certify that all the work except the submission of thesis has been completed by the student. If necessary, the Professor may request the Chairman of the Student's Advisory Committee to call a special meeting of the Advisory Committee in which he (the Professor) would be present to satisfy himself about the completion of research work of the student before issuing the certificate under this rule. In case of difference of opinion, the Professor would send the proceedings of the Advisory Committee meeting alongwith his own recommendations to the Dean for a final decision by the latter.
- (c) The minimum residential requirement should have been fulfilled.
- (d) Application for job should have been routed through the Dean. If the application was sent prior to joining the P.G. School, the student shall inform the Dean about this application soon after admission.

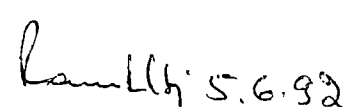
- (e) The student shall undertake to pay the tuition fee of Rs.25/- per month from the date of relief till the date of submission of thesis so as to continue on the rolls of the P.G. School.
- (f) The student shall not be entitled to hostel accommodation after relief. However, the Dean may consider the request for accommodation during the limited period, for which the student will be at IARI while actually submitting the thesis and he/she should be on leave from the employers.
- (g) The prescribed maximum time limit for qualifying for the degree from the date of admission shall also apply in the case of students relieved from the P.G. School in the manner prescribed above.

We have no doubt after the perusal of the rules, that Professor concerned shall certify that the work except the completion of the thesis has been completed by the student and since this certificate was not obtained in time and this is the only ground on which his relief has been delayed, the applicant has no case. The applicant has no case that any other rules have been violated, before his relief to join back the department was allowed. There is also a letter from Director-General ICAR dated 20/2/1987 to one Shri Sultanpuri, M.P. that the applicant had not completed his research work and the department could not issue the relieving order till the Advisory Committee recommended it and no injustice has been done to the applicant. It is clear that the payment of salary to a person who is pursuing higher studies is under the specific rules and the applicant was granted study leave of two years combined with leave admissible to him under the Government of India Rules and he received the IARI Senior Fellowship and ^{emoluments} ~~emoluments~~ thereof till the date of his relief from the Post-Graduate School. In a matter like this where the

academic discipline is involved and the rules are very clear and the Professor's certificate has not been obtained, the court should be reluctant to enter into a matter of the academic discipline, unless there is total arbitrariness or malafides in the matter. Since there is no evidence of such irregularity, we do not find that the applicant has made out any case for the relief and the application being without merit is rejected.

Even though the ground has been taken that the application has barred by limitation, we find that since the last letter is dated 28/12/1987 and the application has been filed in April, 1988 ~~that~~ a case of bar by limitation is ^{not} made out and hence we reject this contention of the respondents on this ground. There will be no order as to costs.


(P.S. HABEEB MOHAMED)
Member (A)


(RAM PAL SINGH)
Vice-Chairman (J)