

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH****O.A. No.060/00174/2021**

Chandigarh, this the 17th of February 2021

HON'BLE MRS. AJANTA DAYALAN, MEMBER (A)

Gaurav Gangwar son of Sh. Hari Nandan Singh Gangwar, age 48 years, resident of House No. 2115, Sector 27, Chandigarh presently working as Associate Professor (Group 'A' Post), Chandigarh College of Architecture, Sector 12, Chandigarh (U.T.)

....Applicant

(BY: Mr. D.R. Sharma, Advocate)

Versus

1. Administrator, Union Territory, Chandigarh through Advisor to Administrator, UT Secretariat, Sector 9, Chandigarh-160009.
2. Secretary, Technical Education, UT Administration, Sector 9, Chandigarh – 160009.
3. Principal-cum-HOD, Chandigarh College of Architecture, Sector 12, Chandigarh (U.T.) – 160012.

... .Respondents

(BY: Mr. Arvind Moudgil, Advocate)

O R D E R(Oral)**AJANTA DAYALAN, MEMBER (A):**

1. Heard learned counsel for the applicant. He states that applicant is presently an Associate Professor in the field of Architecture in the Chandigarh College of Architecture, Chandigarh. He was due for promotion from 2019 onwards. However, as Ph.D. is a necessary condition for promotion to the post of Professor, the applicant has not yet been



promoted as Professor. Learned counsel for the applicant further states that the applicant had taken study leave in spells of six months for completing Ph.D. with the IKG Punjab Technical University. Three such spells of leave from 01.07.2019 to 31.12.2019, then from 01.02.2020 to 31.07.2020 and then again from 25.08.2020 to 24.02.2021 have already been sanctioned by the competent authority.

2. The learned counsel for the applicant states that the applicant has now applied for last spell of study leave from 25.02.2021 to 24.08.2021 to complete his Ph.D. In this regard, the applicant has made multiple representations dated 22.10.2020 (Annexure A-12), dated 12.11.2020 (Annexure A-14), dated 25.11.2020 (Annexure A-15), dated 03.12.2020 (Annexure A-20) and the latest being dated 15.01.2021 (Annexure A-21). However, the leave is yet to be sanctioned though the earlier leave is to expire on 24.02.2021.
3. The learned counsel for the applicant states that the applicant has regularly been submitting his annual reports to the University as established by the reports at Annexure A-17. However, the University has perhaps not sent these reports onwards to the respondent department with the result that the respondent department has not received these reports from the University. However, as far as the applicant is concerned, he has endorsed these reports to the respondents



department also alongwith his representation. He states that the applicant has done his best and for the fault of the University, he is being penalised.

4. The learned counsel further states that this is the last spell in which the applicant has to complete his Ph.D. degree, failing which it would not be possible for him to get the degree and thereby he will be denied consideration for promotion to the post of Professor for good.
5. In view of the above, the learned counsel for the applicant pleads that if directions are issued to the respondent department to consider the case of the applicant favourably and to give him one last opportunity for completing his Ph.D. in the period of leave now applied for, he will be satisfied. He also states on behalf of the applicant that the applicant is ready to face any consequence imposed by the respondent department in case he does not complete the degree in the time now being sought by him i.e. up to 24.08.2021.
6. Issue notice to the respondents.
7. Mr. Arvind Moudgil, learned Standing Counsel for the U.T. Administration, appears and accepts notice on behalf of the respondents. He does not object to this limited prayer made by the applicant's counsel subject to the condition that at least two weeks be granted to the respondents to take a decision in the case.



8. In view of the above, I direct Respondent No. 2 to consider and decide the representations of the applicant regarding grant of study leave, including the one dated 03.12.2020 (Annexure A-20) addressed to him, by passing a reasoned and speaking order within two weeks from the date of receipt of a copy of this order. The order so passed will take into account the position of Rules and Regulations in the matter as well as facts of the case. A copy of the order passed shall be communicated to the applicant.
9. The O.A. is disposed of accordingly.
10. A copy of this order be given **dasti** to the learned counsel for the applicant.

(AJANTA DAYALAN)
MEMBER (A)

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