

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 043/00050/2020

Date of Order: This, the 20th day of October 2020

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A)



Dr. Sasikumar R
Son of S Rajupandaram
Asstt. Professor
Department of Agri Business
Management and Food Technology
North Eastern Hill University
Tura Campus, Meghalaya, Pin – 794002.

...Applicant

By Advocates: S.K. Das, D. Barman & R. Karim

-Versus-

Central Agricultural University
Imphal, Lamphelpat, Imphal West
Manipur
Represented by it's Registrar
CAU, Imphal, Pin – 795004.

...Respondents

By Advocates: Sri B.P. Sahu and Ms. U. Das

ORDER (ORAL)**MANJULA DAS, MEMBER (J):-**

This O.A. has been taken up through video conferencing.

2. By this O.A., applicant prays the following reliefs:



“8.1. To direct the respondent CAU, Imphal to issue No Objection Certificate so that the applicant is not denied the past service benefits of 1 year 11 months 10 days having worked under CAU, Imphal.

8.2. To direct the respondent CAU, Imphal to officially to transfer the Service Book of the Applicant to Registrar Establishment, NEHU, Shillong.

8.3. To direct the respondent to correct the date of release order i.e. the effective date of resignation as 9.8.2012 instead of 15.7.2013 since he was not working under CAU, Imphal for that period.

8.4. Any other order (s) as to Your Lordships' may deem fit and proper in the facts and circumstances of the case.

8.5 Cost of the application.

8.6 Any other relief/reliefs that the applicant may be entitled to.”

3. Heard Sri S.K. Das, learned counsel for the applicant and Sri B.P. Sahu along with Ms. U. Das, learned counsel for the respondents.

4. Sri S.K. Das, learned counsel appearing for the applicant submitted that in terms of an advertisement dated.....NIL for the post of Assistant Professor (Food, Science and Nutrition and Food Technology) issued by Central Agricultural University, Imphal, applicant applied for the said post. Thereafter, vide letter dated 15.05.2010, he was directed to appear before the meeting of the Selection Committee which was scheduled to be held on 04.06.2010 at New Delhi. On being selected, vide order dated 3rd August, 2010, he was appointed as Assistant Professor in the Department of Food Science & Nutrition in the College of Home Science, Tura, West Garo Hills,



Meghalaya under Central Agricultural University (CAU in short), Imphal, Manipur.

5. It was further submitted by the learned counsel for the applicant that pursuant to Employment Notice dated 7th December, 2011 issued by the North-Eastern Hill University, NEHU Campus, Shillong, for filling up various Teaching posts including 02 posts of Associate Professor in North-Eastern Hill University (NEHU in short), Shillong Campus, applicant applied for the post of Associate Professor through proper channel through Registrar, CAU with an advance copy to NEHU. But the respondent authorities straightway refused to accept his said application by saying that he is not permitted to apply since he is still in a probation period. According to the learned counsel, the applicant was favourably considered and called for interview for the post of



Associate Professor in the Department of Agri Business Management & Food Technology (Tura) which was scheduled to be held on 25.04.2012. Accordingly, he got selected and appointed.

6. Learned counsel further submitted that the grievance of the applicant arose due to the fact that though he was appointed by the North Eastern Hill University, Tura, Meghalaya vide letter No. F.26-2/Estt.II(B)/2012 dated 08.06.2012, but the Central Agricultural University, Imphal had not issued the 'No Objection Certificate' so as to enable him to join at NEHU, Tura. For compelling circumstances, he had tendered his resignation on 16th July 2012 before the Registrar, Central Agricultural University, Imphal, Manipur and sought release order. According to the learned counsel, after accepting three months' gross salary (May, June and July of 2012) amounting to Rs.



1,42,692/- through DD No. 733328, the CAU authority neither issued NOC/release order to the applicant nor transferred his Service Book to NEHU.

7. On the other hand, Sri B.P. Sahu, learned counsel appearing for the respondents however, disputed with the arguments advanced by the learned counsel for the applicant and submitted that the applicant had applied for the post of Associate Professor at North-Eastern Hill University, Shillong Campus directly without following the norms and procedures. As such, his service ought to have terminated. However, the department did not take any harsh decision. According to Sri Sahu, concerned authority has already responded to the request for onward transmission of the updated Service Book. However, vide letter dated 10.07.2014, it was intimated to the Deputy Registrar, NEHU by the



Registrar, CAU that the case of the applicant was not considered by the competent authority since he had joined NEHU without NOC from the Appropriate Authority of Central Agricultural University and resigned from service at his own request.

8. It was further submitted by Sri Sahu that the applicant appeared before the interview for outside job and on the contrary, he submitted his resignation vide his letter dated 16.07.2012.



9. Having heard the learned counsel for the parties, perusal of the pleadings and the documents placed before us, it is noted that the respondent authorities raised some points regarding non-adherence to the formalities for applying any job outside CAU. However, the respondent authorities vide letter dated 15.07.2013 accepted the resignation tendered by the applicant on 16.07.2012 from the

post of Assistant Professor of Food Science & Nutrition, College of Home Science, Tura, Meghalaya w.e.f. 15.07.2013. Once it is accepted the resignation at the request of the applicant and also accepted his three months' gross salary, it normally means in lieu of three months' notice. Thus it is admitted fact that the respondent authorities had accepted the request of the applicant. In that situation, we failed to understand as to why the respondent authorities are still not releasing the applicant by issuing 'No Objection Certificate' so as to enable him to join at NEHU. Accordingly, following directions are hereby issued to the respondent authorities:-



- (i) To issue 'No Objection Certificate'
- (ii) To issue 'Release Order' immediately so as to enable the applicant to join at NEHU.
- (iii) To transfer the Service Book of the Applicant to the Registrar Establishment, NEHU, Shillong.

10. With the above observations and directions,
O.A. stands disposed of.

11. There shall be no order as to costs.

(A. MUKHOPADHAYA)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

