



FORM No. - 4

See Rule (12)

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

## ORDER SHEET

Original Application No. .... 175 .... of 2004

Applicant (s) .... A. K. Parida .... Respondent (s) .... Union of India, etc.

Advocate for Applicant (s) .... In Person .... Advocate for Respondent(s) ....

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>I.P.O. 2 b 501 = filed. For Registration.</p> <p>Regd. No. 14157M 4/5/04</p> <p>For Administration &amp; Stay - copy served.</p> <p>Bench 4/5/04</p>	<p><b>REGISTER</b></p> <p>1. ORDER DATED 17.05.2004.</p> <p>Heard Mr. Akshaya Kumar Parida, the applicant in person, who has filed this Original Application being aggrieved by the decision of the Respondents in not allowing him to prosecute his study in law as a regular student. A copy of this O.A. has also been served on the learned Senior/Counsel for the Union of India, Mr. Anup Kumar Bose, who is also present and is heard in the matter.</p>

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The cause of action of the matter has arisen on receipt of the letter dated 30.04.2004 at Annexure-A/11 issued by the Respondents refusing permission for prosecuting higher studies i.e. law as a regular student. They have also disclosed in that letter that although he was not granted permission to take admission in law college for prosecuting higher studies, they refused the permission vide letter No.1141 dt. 4.9.2002, nonetheless, he has taken admission as a regular student in LLB degree which constitutes a violation of the conduct rules. They have also alleged in that letter that the Applicant has in the habit of using derogatory language in his representations. <sup>and</sup> He was also advised to refrain from doing so in future and that failure to do so would invite disciplinary action as provided under the rules.

It is also seen from the submission made by the applicant as also during the oral submission that on receipt of this letter dated 30.4.04, Mr. Parida has not filed any representation before the authorities concerned clarifying his position and to come out clean in the matter. It is also his claim that the letter No.1141 dated 4.9.02 was never received by him and that he was refused permission therefore, that allegation is without any basis. However, we are of the view that all these factual aspects can only be looked into

Copy of Order dated -  
17.5.04. issued to ~~both sides~~  
both sides.

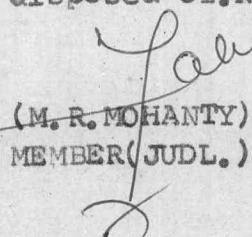
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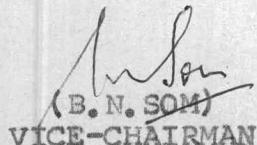
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by the concerned authorities i.e. Respondents and the Applicant is well advised in the first instance to exhaust the Departmental remedy before rushing to the Court. Secondly, we would like to observe that the letter dated 30.4.2004 issued by the Respondents was not only conveying to him that they do not approve his proposal to prosecute higher studies to which the Applicant is duty bound to comply with but also cautioning the Applicant to behave within the four walls of the disciplines which seems to be missing on him.

With the above observations, at this admission stage, we direct the Applicant to submit a representation before the competent authority if he has not received the letter No. 1141 dated 4.9.02 seeking further direction. However, it is also to be observed here that prosecution of higher studies while in service has to be done under the provisions of the CCA (Conduct) Rules ; where it is laid down that only with the prior permission of the employer an employee can take admission for prosecuting his/her higher studies.

With the above, this O.A. is disposed of. No costs.

  
(M. R. MOHANTY)  
MEMBER (JUDL.)

  
(B. N. SOM)  
VICE-CHAIRMAN