

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 46/1996

Thursday, this the 11th day of April, 1996

CORAM:

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN
HON'BLE MR. PV VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

A.V. Pushkaran,
S/o Velayudhan,
Engine Driver Class I,
Integrated Fisheries Project, Kochi-16
now residing at Achancheril House,
Nandiyattukunnam, North Parur. Applicant

By Advocate Mr. MR Rajendran Nair

Vs.

1. The Director,
Integrated Fisheries Project,
Kochi-16
2. Union of India represented by
Secretary to Government of
Agriculture and Co-operation,
Krishi Bhavan, New Delhi. Respondents

By Advocate Mr. S Radhakrishnan, ACGSC

The application having been heard on 11th April, 1996,
the Tribunal on the same day delivered the following:

O R D E R

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant seeks a declaration that he is entitled to 'study leave'.

2. Applicant was granted study leave earlier, to undergo a course in the Central Institute of Fisheries Nautical and Engineering Training. He underwent some other course. Hence the pay and allowances paid to him during the 'study leave' were sought to be recovered. He then approached this Tribunal in OA 309/95 (A9). In the order it was observed:

"... respondents should examine the request of the applicant to treat the leave availed by him as earned leave or any other leave to which he is eligible".

This was done and that period was treated as Extra Ordinary Leave. As far as that matter is concerned, it has ended

there and no further investigation/direction is required.

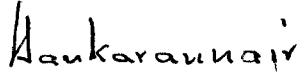
3. The remaining question is whether study leave should be granted or not. It is for the administrative department to grant or not to grant leave. Applicant may move the second respondent by a representation and second respondent will consider whether this is a fit case for granting leave and pass appropriate orders within four months of the date of receipt of the representation. Though leave granted earlier was not used for the precise purpose for which it was granted, Government has not suffered any financial loss. We make it clear that on the merits we have not expressed any opinion as it is for the competent authority to grant leave or not to grant and we are confident that the decision to be taken by the Government of India will be an unbiased decision.

4. Application is disposed of as aforesaid. No costs.

Dated the 11th April, 1996


PV VENKATAKRISHNAN

ADMINISTRATIVE MEMBER


CHETTUR SANKARAN NAIR(J)
VICE CHAIRMAN

ak/11.4

LIST OF ANNEXURE

1. Annexure A9: True copy of the order in O.A. 309/95 dated 31.3.1995 by this Hon'ble Tribunal.
