

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 507/93

Thursday, the thirteenth day of January, 1994

MR. N. DHARMADAN MEMBER (JUDICIAL)
MR. S. KASIPANDIAN MEMBER (ADMINISTRATIVE)

M. Gopalakrishnan Nair
s/o Madhavan Unnithan
Scientist (S G Agronomy)
Central Plantation Crops Research Institute
Regional Station, Kayamkulam Applicant

By Advocate Mr. M.R. Rajendran Nair

vs.

1. Union of India represented by
Secretary to Government, Ministry of
Agriculture, New Delhi
2. The Director, Central Plantation Crops
Research Institute, Kasargode
3. Indian Council of Agricultural Research
represented by its President, New Delhi
4. The Joint Director,
Central Plantation Crops Research Institute
Regional Station, Kayamkulam Respondents

By Mr. C. N. Radhakrishnan

ORDER

N. DHARMADAN

The applicant is aggrieved by Annexure A-1
order by which Rs. 49,564/- being leave salary ^{is sought to be} recovered
from the applicant on account of his default in completing
the course for which he has taken leave.

2. Applicant earlier filed O.A. 858/92 at the
time when steps for recovery were initiated. Annexure-XII
judgment was passed directing the competent authority
to consider the representation filed by the applicant
pursuant to the impugned order. The learned counsel
for applicant submitted that the order was passed by the
competent authority in the Council xxx xxxxxxxxxxxxxxxx
xxxxx without considering the grievance of the applicant
and contentions raised by him in the representation filed
by him. He further submitted that the President of India
but it was disposed of by a subordinate officer
was directed to dispose of the representation. The direction
of the tribunal was not complied with.

3. Absolutely no injustice is done to the applicant. The applicant has executed Annexure-III bond and took leave for pursuing the study. The total amount fixed for the study was Rs. 1,41,720/-. The applicant has admittedly discontinued the studies. According to the applicant he was forced to discontinue the studies on account of the hostile attitude taken by University and the circumstances beyond his control.

4. Having considered the matter in detail, we are of the view that the reason stated by the applicant for discontinuance of the studies cannot be appreciated. The applicant who has taken study leave for research work should have the determination to complete the same if he is really interested to do so notwithstanding any circumstances as projected by the applicant in this application. The reasons indicated in the original application cannot be appreciated.

5. The liability of the applicant is based on the relevant clause ^{in the agreement} dealing with the recovery. He is liable to return the amount in case his part of the contract is not fulfilled. Admittedly, the applicant has not completed the course as per the agreement. The proposal for recovery is only to the extent of recovery of leave salary which was availed by the applicant. There is no dispute regarding the quantum.

6. Hence, we are satisfied that the applicant has not raised any legal contentions objecting the recovery based on Annexure-III Agreement which comes within the way of accepting the contentions of the applicant.

7. Under these circumstances, there is no other way except to dismiss the application. Accordingly,

we dismiss the application.

8. There shall be no order as to costs.

S. Kani

(S. KASIPANDIAN)
MEMBER (ADMINISTRATIVE)

kma

N. Dharmadan 13.1.94.
(N. DHARMADAN)
MEMBER (JUDICIAL)