

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A. No. 600 of 1995.

Tuesday this the 3rd day of September 1996.

CORAM:

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

Joseph Checko,  
Churakkara House,  
Karuvelipady, Kochi-5.  
Telephone Supervisor (Operative),  
Telephone Exchange,  
Kochi-36. .. Applicant

(By Advocate Shri Sreeraj for Shri M.R. Rajendran Nair)

Vs.

1. Union of India represented by  
Secretary to Government,  
Ministry of Communication,  
New Delhi.
2. The Chief General Manager, Telecom,  
Kerala Circle, Trivandrum.
3. The General Manager, Telecom,  
Ernakulam. .. Respondents

(By Advocate Shri M.H.J. David J., ACGSC)

The application having been heard on 3rd September 1996,  
the Tribunal on the same day delivered the following:

O R D E R

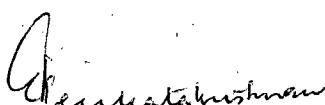
CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

The question for consideration is whether the  
excursions made by applicant in the regions of Philosophy,  
can be considered as pursuit "of higher scientific and  
technical studies."

2. Extra ordinary leave for five years was granted to applicant. Extra ordinary leave would count for increments, if the period of leave is utilised for "higher scientific and technical studies". It is here that the question arises, whether study of Philosophy is study of "higher scientific and technical study". The General Manager speaking through his Accounts Officer thought that it was not. A fact finding authority may be required to take decisions in a variety of situations, ranging from the probable to the debatable. The decisions will be tested on the touch-stone of judicial review, the contours of which are clear. Learned counsel for applicant who addressed us at great length, eventually and well advisedly, submitted that he would challenge the decision of the General Manager/Chief Accounts Officer before the Chief General Manager, Telecom., Trivandrum. He may do so, by filing a representation before that authority. If he makes a representation, Standing Counsel submits that, the representation will be considered in depth by the said authority and final orders passed thereon within six months of the date of receipt of the representation.

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

Tuesday this the 3rd day of September 1996.

  
P.V. VENKATAKRISHNAN

ADMINISTRATIVE MEMBER

  
CHETTUR SANKARAN NAIR (J)  
VICE CHAIRMAN