

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 168 of 1998

Thursday, this the 12th day of March, 1998

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

1. Beena Sulochanan,
Wife of R. Sethumadhavan,
Processing Assistant,
Integrated Fisheries Project, Cochin-16,
residing at 'Chaithanya', No.47/1287,
Asoka Road, Kaloor,
Ernakulam. .. Applicant

By Advocate Mr. TC Govindaswamy

Versus

1. The Director,
Integrated Fisheries Project,
Cochin-16
2. The Joint Secretary to the
Government of India, Ministry of
Agriculture (Department of Animal
Husbandry & Dairying), New Delhi.
3. The Director of School of
Industrial Fisheries,
Cochin University of Science &
Technology, Cochin-16 .. Respondents

By Advocate Mr. S. Radhakrishnan, ACGSC (R1 & R2)

The application having been heard on 12-3-1998,
the Tribunal on the same day delivered the
following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks to quash A-7 and to direct the
1st respondent to grant her no objection certificate for
registration of her name as a research student and as a
candidate for the degree of Doctor of Philosophy.

2. The applicant is working as Processing Assistant in
the Integrated Fisheries Project, Cochin, under the 1st

contd...2

respondent. She is possessed of Masters Degree in Organic Chemistry. In pursuance of a notification issued by the 3rd respondent inviting applications for a Common Admission Test for registration for Ph.D. Programme during the year 1997-98, she applied. She came out successful in the entrance test. The 3rd respondent informed the applicant that she has been provisionally selected for registration to the Ph.D. Programme of the year 1997-98. In terms of the notification of the 3rd respondent, no objection certificate is to be obtained after qualifying in the entrance test. The applicant requested the 1st respondent to issue a no objection certificate. Being defective it was returned and subsequently after curing the defects the same was represented. Subsequently, as per A-7 order dated 19-1-1998, the impugned order, the request of the applicant has been turned down by the 1st respondent.

3. In the impugned order A-7, it is stated that the applicant is a Processing Assistant who has to work in the Integrated Fisheries Project processing plant from 9 AM to 5 PM for six days per week. As per A-3 dated 5-1-1998, the applicant has given the undertaking that she shall carry out her research work without affecting her normal duties as Processing Assistant. So, the applicant is seeking permission from the 1st respondent only to allow her to join for research work without affecting her normal duties as Processing Assistant. It is also stated in A-7 that it is not known how the applicant will find time to work for Ph.D because the University may not be available after 5 PM and before 9 AM. It is the look out of the applicant and the University. The only fact that could be insisted by the 1st respondent is that granting permission

contd..3.

should not in any way affect the duties the applicant has to carry out as Processing Assistant. The learned counsel appearing for the respondents brought to our notice Office Memorandum dated 26th of February, 1955 issued by the Government of India regarding grant of permission for the employees to prosecute their higher studies. There it is stated that ordinarily permission is to be granted, but with a view to summarily dealing with cases where it is noticed that the Government servant has been neglecting his duties for the sake of his studies, a condition may be attached saying that the permission may be withdrawn at any movement without assigning any reasons and also that this will, of course, be without prejudice to any other departmental action being taken where mere withdrawal of the permission is not considered adequate.

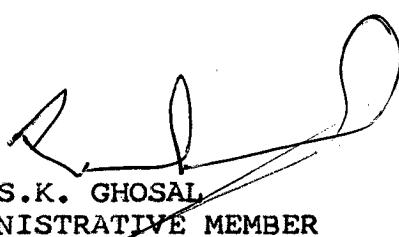
4. The learned counsel appearing for the applicant submitted that the applicant may be permitted only to do her research work before 9 AM and after 5 PM on all the six working days per week subject to all the conditions laid down in the Office Memorandum referred to above. It is also submitted on behalf of the respondents that two of the seniors of the applicant have already been granted permission to undergo higher studies. If that is so, there is no reason for denial of the same to the applicant. It is also submitted that since the applicant is working in the factory unit, in exigencies of service the applicant will have to work overtime and on holidays and also in shifts. Though the submission is made by the learned counsel for respondents, this is not taken as a ground in A-7 for rejecting the application submitted by the applicant.

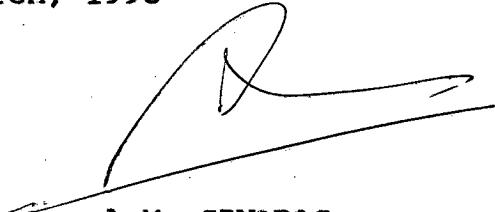
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5. Accordingly, the original application is allowed, quashing A-7 order dated 19-1-1998 and directing the 1st respondent to issue the applicant no objection certificate for registration of her name as a research student in Cochin University of Science and Technology, subject to the conditions prescribed by the 1st respondent in accordance with the rules, orders and circulars in force and also based on A-3 undertaking given by the applicant on 5-1-1998. This shall be done by the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. No costs.

Dated the 12th of March, 1998


S.K. GHOSAL
ADMINISTRATIVE MEMBER


A.M. SIVADAS
JUDICIAL MEMBER

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L I S T O F A N N E X U R E S

1. Annexure A-3 : Letter dated 5-1-98 sent to the 1st respondent.
2. Annexure A-7 : Memo bearing No. IFP/ADMN/5/7-2/89/171 dated 19-1-98 issued from the office of the 1st respondent.

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