

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (SDA)
Indiranagar
Bangalore - 560 038

Dated : 13 FEB 1989

APPLICATION NO (S) 1141 / 88 (F)

W.P. NO (S) _____

Applicant (s)

Dr B.N. Annigeri
To

v/s The Secretary, Railway Board, New Delhi & 3 Ors

1. Dr B.N. Annigeri
No. 3, Vivekananda Colony
Hubli - 580 020
2. Shri M. Narayanaswamy
Advocate
844 (Upstairs), V Block
Rajajinagar
Bangalore - 560 010
3. The Secretary
Railway Board
Rail Bhavan
New Delhi - 110 001
4. The Chief Personnel Officer
South Central Railway
Rail Nilayam
Secunderabad (A.P.)

5. The Medical Superintendent
South Central Railway
Hubli

6. The Chief Medical Officer
South Central Railway
Secunderabad (A.P.)

7. Shri M. Sreerangaiah
Railway Advocate
No. 3, S.P. Building, 10th Cross
Cubbonpet Main Road
Bangalore - 560 002

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 9-2-89.

g/f/ed
13-2-89

dc

R. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE NINETH DAY OF FEBRUARY, 1988.

Present: Hon'ble Shri L.H.A. Rego .. Member(A)

APPLICATION NO.1141/88

Dr. B.N. Annigeri
S/o. Annigeri N.K.
Aged 33 years
No.3, Vivekananda Colony
Hubli - 580 020. .. Applicant
(Shri M. Narayanaswamy, Advocate)

Vs.

1. The Railway Board
represented by its Secretary
Rail Bhavan
New Delhi.
2. The Chief Personnel Officer
Headquarters, Office
Personnel Branch
South Central Railway
Secunderabad.
3. Medical Superintendent
South Central
Railway, Hubli.
4. Chief Medical Officer
South Central Railway
Secunderabad. .. Respondents

(Shri M. Sreerangaiah, Advocate)

This application having come up for
hearing before this Tribunal today, Hon'ble Shri
L.H.A. Rego, Member(A), made the following:

O R D E R

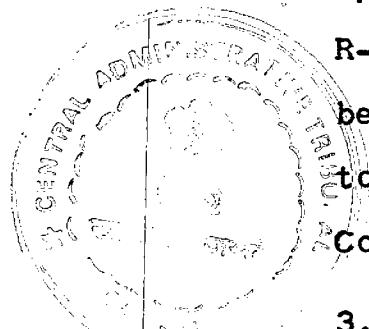
The applicant herein prays for a
direction to the respondents to consider his case
for sanction of study leave post facto, from 1.7.1987
to 31.1.1989 (both days inclusive) to help cover
the period spent by him in prosecuting the DMRD Course



in Karnataka Medical College, Hubli, and to grant him consequential benefits.

2. The factual matrix of this case is as follows: Prior to the applicant prosecuting the said DMRD Course, he was working as Assistant Educational Medical Officer at Hubli Railway Hospital under Respondent (R)-3. He is said to have applied to R-2 through R-4, on 23.8.1986 (a copy of this application however has not been furnished along with the application) for permission to appear for the Post Graduate Entrance Exam, for the said Course, in any of the Universities in India, to enable him to secure a seat in the academic year, commencing from July 1987, either in the field of Pathology or Radiology. Pursuant thereto, R-2 is seen to have accorded permission to him, under his letter no. P 508/CAZ/MD/BNA dated 22.1.1987 (Annexure-A), to appear for the said examination. The applicant is said to have undergone the above exam successfully, and to have secured admission thereafter, for the DMRD Course at the Karnataka Medical College, Hubli on 16.2.1987, for the academic year 1986-87. The applicant is seen to have applied thereafter to R-4 (a copy of this application too, has not been furnished by him) for grant of study leave to enable him to prosecute the said Post Graduate Course.

3. The matter seems to have been under correspondence between R-2 and R-4, for some



time. On 9.7.1987 (Annexure-F), R-2 directed the Divisional Railway Manager (Personnel), Hubli, ('DRM' for short) to obtain leave application from the applicant, for the period from 16.2.1987 to 31.12.1988 and to forward the same to him, duly certified by the Senior Divisional Accounts Officer (SDAO), Railways, Hubli, to enable further action. In the meanwhile, the applicant was advised to apply for extra-ordinary leave, pending sanction of study leave. According to Annexure-H, dated 3.8.1987, R-2 informed the DRM, that the Chief Medical Officer (CMO) had sanctioned extra-ordinary leave of 581 days, for the period from 1.7.1987 to 31.1.1989, in favour of the applicant to enable him to pursue the DMRD Course. The DRM was further directed by R-2, to work out the financial implications thereof, to enable him to examine the case for grant of study leave to the applicant. After considering the matter in its entirety, R-2 informed DRM, by his letter dated 1.2.1988 (Annexure-J), that study leave applied for by the applicant could not be granted to him, as according to the extant instructions of the Railway Board, he should have applied for the same well in time, before commencement of that leave.

4. The applicant is seen to have represented on 8.2.1988 (Annexure-K) to R-4, for sympathetic consideration narrating the



facts and circumstances of his case. In that context, R-2 informed DRM, by his letter dated 3.3.1988 (Annexure-L), that R-4 had considered the representation of the applicant in all its aspects but had stated, that his case for grant of study leave could not be recommended, in view of the instructions of the Railway Board in their letter dated 7.12.1987. Aggrieved, the applicant has come before this Tribunal, for redress.

5. The respondents have filed their reply resisting the application.

6. Shri M. Sreerangaiah, learned counsel, for the respondents, at the outset contended, that the application was not maintainable, as the applicant had not exhausted all the remedies available to him for redressal of his grievance. He cited reference to the representation dated 2.4.1988 addressed by the applicant to the Secretary, Union Ministry of Railways, which he said was still pending.

7. The applicant is seen to have filed the present application on 9.8.1988 i.e., prior to completion of 6 months, from the date he submitted his above representation to the Secretary, Union Ministry of Railways i.e., R-1.



Considering particularly the chequered course of events of this case, I feel that it would be in the interest of the applicant, to first seek redress from the Secretary, Union Ministry of Railways, on the above representation addressed by him. The learned counsel for the applicant also realised in the course of hearing of this case, that it would be expedient to do so.

8. R-1 is, therefore, directed to dispose of the said representation within a period of 4 months from the date of receipt of this order. The applicant is, however, at liberty to approach this Tribunal anew, if he is still aggrieved by the order that would be passed by R-1 on his representation.

9. Application is disposed of in the above terms. No order as to costs.



Sd/-

(L.H.A. REGO) 9.2.1987
MEMBER (A)

mr.

TRUE COPY

R. A. Venkatesh Rao
DEPUTY REGISTRAR (JULY 1987)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE