

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Dated:- 20 APR 1994

967 of 1993

APPLICATION NUMBER:

APPLICANTS:

R. Sampath Kumar

To.

RESPONDENTS: Supdr. Engineer

A. J. R. Nagpur & Other.

1) Shri H. A. Somashekharaih, Advocate
No. 52, Chowdeshwari Temple Street,
Bangalore. 560002.

2) The Executive Engineer (C)
CCW: A.J.R. T.V. Complex,
J.R. Nagar,
Bangalore. 560 006.

3) Shri M.S. Padmarajaih,
Senior Standing Counsel for
Central Govt.
High Court Buildings, Bangalore-1.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/, passed by this Tribunal in the above
mentioned application(s) on 8.4.1994

Received (Copy)
M. S. Padmarajaih

gms* 20/4/94
Adv for APPLANT

of

Issued on
20/4/94
R.

for Se Shantharao 20/4
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL,
BANGALORE BENCH.

ORIGINAL APPLICATION NO. 967/93

FRIDAY, THE 8TH DAY OF APRIL, 1994

Shri V. Ramakrishnan

... Member (A)

Shri A.N. Vujjanaradhya

... Member (J)

Shri R. Sampath Kumar,
S/o Late S. Ramaiah,
Hindu, Aged about 33 years,
Residing at No.7, Venkateshpura,
Village: Kadugondanahalli Hobli,
Bangalore - 560 045.

... Applicant

(By Advocate Shri H.A. Somasekharaiyah)

Vs.

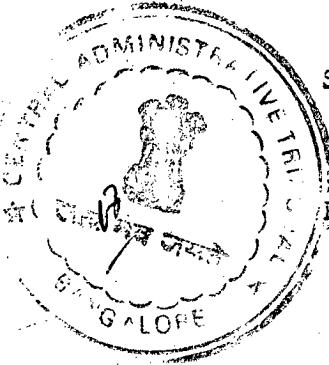
1. The Superintending Engineer (Civil),
Office of the Superintending
Engineer (Civil),
Civil Construction Wing,
All India Radio,
Seminary Hills,
Nagpur-6.
2. The Executive Engineer (C),
CCW: AIR, T.V. Complex,
J.C. Nagar,
Bangalore - 560 006.
3. The Director General,
All India Radio,
(Civil Construction Wing),
PTI Building, 2nd Floor,
4, Parliament Street,
New Delhi.
4. The Secretary,
Ministry of Information &
Broadcasting, Shastri Bhawan,
New Delhi - 1.

(By Advocate Shri M.S. Padmarajaiah,
Senior Standing Govt. Counsel for
Central Government).

C R D E R

Shri V. Ramakrishnan, Member (A)

The applicant who is serving in the All India
Radio had obtained permission in 1982 for admission to



join part-time B.E. Course in B.M.S. College of Engineering, Bangalore. (letter dated 24.7.82 - Annexure A-2). At that time, he was working as Sectional Officer (Civil) in the Civil Construction Wing of All India Radio. The normal duration of Engineering Course would be for four years but we find that the applicant could not complete the course within the period as he was posted outside Bangalore. The applicant was posted back to Bangalore in November, 1992. He now tells us that he is in the final year of the BE Course and that the Course will be over not later than July, 1994. In August, 1993 he was served with an order dated 9th August, 1993 as at Annexure A-1 where the department suspended the permission accorded to him for prosecuting part-time B.E. Course. Against this order, he filed a representation to the department dated 19.8.93 (Annexure A-5) where inter alia, he sought for a sympathetic consideration for revoking the suspension of permission and for allowing him to attend the College for the final session of about nine months from August, 1993. The department did not accede to his request and vide its order dated 9.9.93 as at Annexure A-6 it refused to revoke the order of suspension of permission as at Annexure A-1. He has, therefore, approached this Tribunal challenging the above order at Annexure A-1 and *had also got an interim stay*.

2. We have heard Shri H.A. Somasekharaiah, the learned counsel for the applicant as also Shri M.S. Padmarajaiah, the Senior Standing Counsel for the Central Government. Shri Somasekharaiah submits that

the order of the department suspending the permission is arbitrary and would very adversely affect the applicant. He has reached almost the fag end of the course. He submits that all that he requires now is to be allowed to continue his studies for a few months more. The learned standing counsel on the other hand, states that after taking into account all the relevant facts, the department concluded that the applicant's continued prosecution of engineering degree studies has seriously affected the administrative work and accordingly the permission was withdrawn. He contends that the application lacks merit.

3. We find that the reasons given by the department for withdrawing the permission at the fag end of the course (when such permission has been in existence for over 10 years) are not very convincing. In the facts and circumstances of the case, we direct the department that the permission granted to the applicant for his continuance of studies as at Annexure A-2 dated 24.7.82 shall remain in force for a futher period upto the end of July, 1994. We accordingly quash the order dated 8th August, 1993 as at Annexure A-1 and the order dated 9.9.93 as at Annexure A-6 rejecting the applicant's representation dated 19.8.93. We make it clear that in case the applicant is not able to complete his studies for part-time BE Course within 31.7.1994, the department would be at liberty to re-examine his case and pass appropriate orders at that time.

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4. With the above observations, the matter stands finally disposed off with no order as to costs.

Sd/-

(A.N. Vujjanaradhya)
Member (J)

Sd/-

(V. Ramakrishnan)
Member (A)

TRUE COPY



Se Shambu
SECTION OFFICER 20/4
ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BENGALORE