

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No. 428 of 1990

Date of Order: 25-5-1990

Between:-

Dr.K.Jalaiah

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Applicant

and

1. General Manager, South Central Railway, Secunderabad.
2. Chief Medical Officer, South Central Railway, Secunderabad.
3. Chief Personnel Officer, South Central Railway, Secunderabad.
4. Director, National Institute of Nutrition, Jamai-Osmania P.O., Hyderabad-7.

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Respondents

Appearance:

For the Applicant : Shri S.Udayachala Rao, Advocate.

For the Respondents : Shri N.R.Devaraj, Standing Counsel for Railways

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE SHRI D.SURYA RAO, MEMBER (JUDICIAL).)

1. The applicant, who is a Medical Superintendent working in the South Central Railway, Secunderabad, has filed this application questioning the order No.P-508/4 AZ/MD/KJ, dated 21-5-1990 whereby the 2nd respondent declined to forward the application of the applicant for a 9 months M.Sc.(Applied Nutrition) Course conducted by the National Institute of Nutrition, Hyderabad, conducted for lecturers in the Medical Colleges and Public Health Officials.

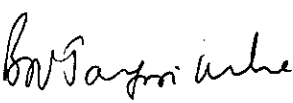
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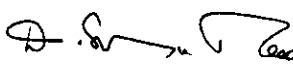
2. We have heard the learned counsel for the applicant Shri B.Udayachala Rao and Shri N.R.Devaraj, Addl.Standing Counsel for the Railways, who has taken notice for the respondents at the admission stage. The only ground on which the applicant claims that he has a right to have his application forwarded is that the 2nd respondent had by his letter no.MD.642/3.Vol.16, dt.3-4-1990 requested various Chief Medical Surgeons and Senior Medical Superintendents to advise nominations. Pursuant thereto the applicant submitted his application which was forwarded to the 2nd respondent by the Medical Superintendent, Hubli. Shri Udayachala Rao contends that if there was a shortage of Doctors, there was no need for the 2nd respondent to have called for nominations and that the fact that nominations have been called for itself is proof that doctors could be spared. He contends that the final order dt.21-5-1990 is contrary to the letter dt.3-4-90. Shri Devaraj for the Railways on the basis of instructions received contends that as many as 9 Doctors are already on deputation for study leave, that the fact that nominations are called for does not mean that doctors could be spared, ~~(that in routine course the request of the National Institute of Nutrition was communicated and that thereafter on scrutiny it was felt that for administrative reasons viz., shortage of doctors, the services of the applicant could be spared)~~ that in routine course the request of the National Institute of Nutrition was communicated and that thereafter on scrutiny it was felt that for administrative reasons viz., shortage of doctors, the services of the applicant could not be spared for study leave. Having considered these rival contentions, we are of the opinion that no legal right has been made out by the applicant to compel the respondents to forward his application and spare his services for a period of 9 months for study in the National Institute of Nutrition. The applicant has not set forth or given any valid reasons for us to disbelieve the contention of the respondents that there is a shortage of doctors which factor weighed in not forwarding the application. In any event the question, having regard to availability of doctors and exigencies of service, whether a doctor in the Railways is to be deputed on study leave or not is a matter entirely within the purview of the Administrative authority. It is not the case of the applicant that he has been discriminated

in regard to the matter viz., grant of study leave. (19)

Merely because the communication of the National Institute of Nutrition was forwarded and nominations called for, it cannot be treated as an admission on the part of the respondents that Doctors could be spared from the Railways to undergo the course.

3. We see no merit in the application. It is accordingly dismissed but without costs.


(B.N. JAYASIMHA)
VICE-CHAIRMAN


(D. SURYA RAO)
MEMBER (JUDICIAL)

Dated: 25 ^{May} ~~June~~ 1990


For Deputy Registrar(J)

nsr

To:

1. The General Manager, south central railway, Sec'bad.
2. The Chief Medical officer, south central railway, Sec'bad.
3. The Chief personnel officer, south central railway, Sec'bad.
4. The Director, National Institute of Nutrition, Jamai- Osmania P.O., Hyderabad-7.
5. One copy to Mr.S.Udayachala Rao, Advocate, High court of A.P., State Bank of India Officers' colony, Plot No.61, Musarambagh, Hyderabad-500 036.
6. One copy to Mr.N.R.Devaraj, SC for Railways, CAT, Hyderabad.
7. One spare copy.

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kj.

CHECKED BY

TYPED BY:

COMPARED BY :

IN THE CENTRAL ADMINISTRATIVE TRIBU-
NAL:HYDERABAD BENCH:HYD.

HON'BLE MR.B.N.JAYASIMHA: V.C.

HON'BLE MR.D.SURYA RAO:MEMBER:(JUDL)

A N D

HON'BLE MR.J.NARASIMHA MURTHY(M)(J)

A N D

HON'BLE MR.R.BALASUBRAMANIAN:(M)(A)

DATED: ~~25-3-90~~ 25/5/90

ORDER/JUDGMENT: ✓

M.A./B.A./C.A./No.

K.A.No.

W.D.No.

O.A.No. 428/90

~~Admitted and Interim directions
issued.~~

~~Allowed.~~

~~Dismissed for default.~~

~~Dismissed. without costs.~~

~~Disposed of with direction.~~

~~M.A. ordered.~~

~~No. order as to costs.~~

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