

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

OA 518/91.

Dt. of Order: 19-4-1994.

Gunishranjan Pal

...Applicant

Vs.

1. The Secretary, Ministry of Defence,  
Govt., of India, New Delhi.
2. The Director General of E.M.E.,  
Army Headquarters, DHQ Post,  
New Delhi - 110 011.
3. The Commandant, Military College  
of E.M.E. Trimulgherry P.O.,  
Sec'bad.

...Respondents

Counsel for the Applicant : Shri N.Raghavan

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

CORAM:

THE HON'BLE SHRI T.CHANDRASEKHAR REDDY : MEMBER (J)

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

T. C. R.

...2.

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(Order of the Divn. Bench passed by Hon'ble  
Shri T.C.Reddy, Member (J) ).

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This is an application filed under section 19 of  
the A.T.Act, 1985, to give directions to Respondents for  
the following reliefs :-

- (a) To sponser him for P.G.Course in  
Mech.Engg either to I.I.T., Madras,  
Kanpur, Delhi or Calcutta or to any  
College or University, OR alternatively
- (b) To grant study leave as per Study  
leave Rules forthwith,
- (c) and consequently to pass orders not  
to withhold promotion or increment  
on the plea that the applicant not  
acquired P.G.Qualification in Mech.  
Engineering;
- (d) Award the costs of this O.A.

2. We have heard today Shri N.V.Raghavan, learned  
counsel for the applicant and Shri N.V.Ramana, learned  
standing counsel for the Respondents.

3. This Tribunal had passed interim orders on 23-5-91  
to the following effect :-

"Taking into account all the factors,  
we feel that the applicant should be  
sanctioned study leave he is eligible  
for. The nature of leave can, however,  
be regulated later on when the discipli-  
nary case pending against the applicant


is finally disposed of by the respondents. This is done, so that the applicant can join the course and the rest of the things can be taken care of by the respondents at the time of disposing of the disciplinary proceedings. We direct the respondents accordingly."

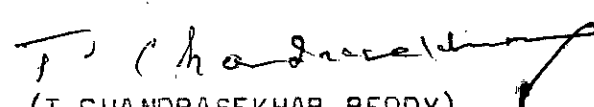
Shri Raghavan, counsel for the applicant had submitted before us that the Disciplinary Case against the applicant had ended long back and that the Disciplinary Authority imposed the penalty of withholding of one increment for one year without cumulative effect and that the penalty period is also over. As a matter of fact the punishment imposed on the applicant is <sup>the</sup> subject matter <sup>of dispute</sup> in OA 1115/92. Admittedly the applicant had joined Mechanical Engineering course in the month of November, 1992, after obtaining study leave in pursuance of the interim directions of this Tribunal in its order dt.23-5-91. The applicant would be completing his course by May, 15th of this year. In view of this position we make ~~it~~ ~~xxxx~~ absolute the interim order dt.23-5-91.

4. But, Shri Raghavan, learned counsel for the applicant ~~xxxx~~ urged before us that the applicant had got a right to be promoted to the post of Asst. Professor on his passing from the date his immediate junior had been promoted to the Mechanical Engineering Examination post of Asst. Professor. the applicant had not Admittedly/ passed the M.E. Examination. As and when the

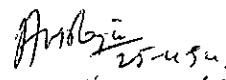
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applicant passes the M.E. Examination, the applicant would be at liberty to put in a representation to the competent authority to consider his case for promotion and if by the action of the competent authority if the applicant is aggrieved the applicant would be at liberty to approach this Tribunal afresh  
/in accordance with law for redressal of his grievance and the O.A. is disposed of accordingly. There will be no order as to costs.

  
(R. RANGARAJAN)  
Member (A)

  
(T. CHANDRASEKHAR REDDY)  
Member (J)

Dt. 19th April, 1994.  
Dictated in Open Court.

  
Deputy Registrar(J)CC

avl/  
To

1. The Secretary, Ministry of Defence,  
Govt. of India, New Delhi.
2. The Director General of E.M.E., Army Headquarters,  
DHQ Post, New Delhi-11.
3. The Commandant, Military College of E.M.E.  
Trimulgherry P.O., Secunderabad.
4. One copy to Mr. N. Raghavan, Advocate, CAT. Hyd.
5. One copy to Mr. N. V. Ramana, Addl. OGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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T. A. P.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 12-4-1994

ORDER/JUDGMENT

M.A./R.A./C.A./No.

in

O.A.No.

518/91

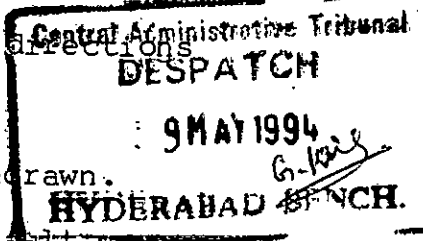
T.A.No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with



Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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12-4-94  
K