

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.
O.A.NO. 1046 of 1994.

Between

N.R.Paul

...

Dated: 5.2.1996.

Applicant

And

1. The Commandant, Military College of Electronics and Mechanical Engineering, Trimulgherry(PO), Secunderabad.
2. Head, ME Dept. Military College of EME, Secunderabad.

...

Respondents

Counsel for the Applicant : Sri. K.Sudhakar Reddy

Counsel for the Respondents : Sri. N.R.Devaraj, Sr. CGSC.

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

OA No.1046/94

JUDGEMENT

(As per the Hon'ble Sri R.Rangarajan, Member (A))

The applicant in this O.A. is working as Lecturer under R-2. It is stated for the applicant that his case was sponsored by R-2, for executing higher studies, M.Tech Course at NIFFT at Ranchi, for the course starting in September, 1994. But by impugned order he was informed that he may join the course after submitting an application for grant of study leave.

2. Aggrieved by the above impugned order he has filed this OA praying for a declaration that the condition stipulated in the respondents signal No.OC DTO 181833 i.e. submission of application for grant of study leave before proceeding for attending the course is illegal, and irrelevant as he has been sponsored for the M.Tech Course, NIFFT, Ranchi by the authorities themselves.

3. The main contention of the applicant is that he had been sponsored for the higher study by letter dt.31-5-94 and hence asking him to submit application form for grant of study leave for his higher studies after sponsoring his case as a departmental candidate is irregular and illegal.

4. The said course had already been started from 1-9-94. Even if it is held that asking him to submit the study leave application is irregular, the applicant cannot now prosecute his higher studies by joining the course at NIIIFT as this course had already started in September, 1994 itself. Any direction given in this connection will be only superfluous and he will not get any advantage by that. --- applicant had joined the course under protest after submitting the study leave application and ask for the present relief, he could have got some benefit, if he had succeeded in this O.A. But the applicant has not joined the course. Hence, the direction as prayed for will not help the applicant.

5. It is submitted by him that he is likely to apply for higher studies in future also and as he is not aware of the rules in regard to sponsoring of civilian employees for higher course, the same has to be intimated to him so that he is aware of the rules and take further action on that basis. The applicant also contended that if a direction is given as prayed for in this OA to the respondents, that direction will guide the respondents while sponsoring his case for higher studies in future.

6. Any direction given in this case may not be followed necessarily.

(36)

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Copy to:-

1. The Commandant, Military College of Electronics and Mechanical Engineering, Trimulgherry(PO), Secunderabad.
2. Head, ME Dept., Military College of EME, Secunderabad.
3. One copy to Sri. K.Sudhakar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

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by the respondents for sponsoring his case in future as the sponsoring of the civilian employees for higher posts depends on the various other factors such as need to have employees, having that particular qualifications in the organisation, the availability of the qualified employees in the organisation at the relevant time and other such related matters. In view of this the only course left to the applicant is to challenge in future any condition imposed by respondents, ~~arbitrary~~ at the time of sponsoring his case for higher studies. But the applicant submits that he did not have the necessary rules in regard to sponsoring of the civilian employees for higher studies. The respondents should supply him the necessary rules or instructions in regard to sponsoring of ~~rules for executing higher studies in~~ future so that the applicant will be suitably guided on the basis of the materials to be supplied by the respondents.

7. In the result, the O.A. is disposed of with a direction to the respondents to give him the rules/instructions as observed in para 6 supra.

8. No costs.


(R. Rangarajan)

Member (A)

Dt. 5-2-1996
(Open Court Dictation)


D.Y. Rajgoran (T)

sd/
kmv

contd --

16/2/96

TYPED BY
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI R. Ranga Rajan
A. B. GORTHI : MEMBER(A)

HON'BLE SHRI

DATED: 5/2/96

ORDER/JUDGMENT

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

IN
1046/94
O.A. NO.

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

* * *

No Specie Copy

