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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 1143/95.

DATE OF JUDGMENT: 27-09-95.

BETWEEN:

Dr. M.M.Chawak

.. Applicant.

AND

The Director,
Project Directorate on Poultry
(ICAR) Rajendranagar, Hyderabad-30.

.. Respondent.

COUNSEL FOR THE APPLICANT: SHRI S. Ramakrishna Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj,
Sr/Asst. CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, VC)

Heard Sri S. Ramakrishna Rao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant is working as Scientist-I in the respondent Directorate. He was selected for Ph.D. (Animal Bio-Technology) course as full time student in the Madras Veterinary University. While he sent his application through the Director of the respondent organisation, no objection certificate was issued. The applicant was informed by the impugned letter dated 25-9-1995 that due to dearth of hands it is not possible to relieve him for the three years course. The same is challenged in this OA.

3. The respondent is relying upon the letter of Under Secretary of Indian Council of Agricultural Research, Krishi Bhavan, New Delhi, vide No.9(12)95-IAI dated 27-7-95 wherein it is stated that the applications of the Scientists of the PG Poultry for Ph.D. course have to be returned as CARI, Izatnagar, are not able to spare any Scientist in the discipline of Poultry Feeding and Genetics and hence the Council informed by letter dated 20-8-1995 to the same effect.

4. The Director of the Respondent Organisation is present. It is stated that out of seven Scientists-I, allotted to this Directorate two are already on study leave, and both of them are expected to report back in March/April, 96. In view of the shortage of Scientists-I, it is very difficult for the Scientists-I in this Directorate to cope up with the work.

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It is further stated by the Director that after March, 96, it is possible to relieve the applicant if he can get extension of time for joining Ph.D. Course or if he is going to be selected again for the next course.

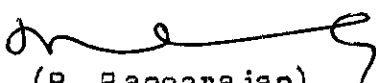
5. It is stated for the applicant that recently Sri B.L.N. Reddy, joined this Directorate and when Director could manage with four earlier, it is not difficult to cope up now. But Sri Reddy was sent to this Directorate with reference to the discipline of Poultry Feeding, and he had to necessarily get himself familiarised with other disciplines and it will take time while the applicant is already having four years experience in this Directorate.

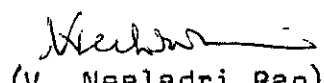
6. Be that as it may, the Tribunal/Court cannot interfere in such matters unless the refusal on the part of the respondents is arbitrary or malafides are established. In fairness to the applicant it had to be stated that no malafides are attributed to the respondents. On the basis of the material placed before this Tribunal, it cannot be held that when the applicant cannot be spared due to the dearth of hands and when CARI expressed its inability to spare the Scientists to this Directorate, it is an arbitrary decision.

7. Hence, the only order that has to be passed in this OA is to direct the respondents to relieve the applicant for study leave if he can able to get extension from the University for joining Ph.D. Course or if he is going to be selected for this course or any other course for the next year.

8. The OA is ordered accordingly at the admission stage.//

No costs.//


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated : Sept. 27, 95
Dictated in Open Court

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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. R. RANGARAJAN : M(ADMN)

DATED:- 27-9-1995.

ORDER/JUDGMENT.

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

in

O.A.No.

1143/95

T.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

pvm.

