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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.1755/97.

Dt. of Decision : 05-01-98.

V.Pardha Saradhi

.. Applicant.

Vs

1. The Garrison Engineer,
CE (I) R&D Kanchanbag,
Hyderabad-58.
2. The Chief Engineer, CE.R&D,
Sec'bad-3.
3. The Adjutant General Dte,
Genl. of Org/Org 4 (Civ) (b),
Army H Q. DHQ. PO,
Ne Delhi-11.
4. The Principal,
Govt. Polytechnic,
Masab Tank, Hyderabad.

.. Respondents.

Counsel for the applicant : Mr.Surendra Desai

Counsel for the respondents : Mr.V.Vined Kumar, Addl.CGSC.

CORAM:-

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

Heard Mr.Surendra Desai, learned counsel for the applicant
and Mr.V.Vined Kumar, learned counsel for the respondents.

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2. The applicant with the permission of the authorities appeared for the Common Entrance Examination for the Diploma course and after passing the common entrance examination obtained admission for D.C.E. course at the Government Polytechnic. It is submitted that the classes will commence from 5-1-98.

3. The applicant sought permission to attend the classes. Vide letter No.1036/931/EIB dated 26-12-97 (Annexure-I), the R-1 stated that his earlier request for retention in MES has been taken up with higher authorities and that on receipt of the decision, the permission to attend the evening classes will be considered subsequently.

4. He has filed this CA to direct the first respondent to grant permission to the applicant to attend the evening classes in D.C.E., and consequently to direct the ~~xx~~ 4th respondent not to cancel the admission for the said course on account of non-submission of no objection certificate from R-1.

5. The question of retention of the applicant in the MES is an altogether a different matter. His application for ~~the~~ prosecuting his studies in D.C.E. has been approved by the MES. In that context the consideration of acceding permission to the applicant to prosecute his studies has to be considered by the R-1 independant of his decision whether the applicant be continued in MES or not.

6. The R-1 having forwarded the application and permitted the applicant to appear for the common entrance examination, we feel he should have given the no objection certificate to the applicant to attend the evening classes.

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7. However the MES authorities can issue such no objection certificate stipulating the condition that in case he is transferred to Ordnance Factory, Edumailaram, he should obtain necessary no objection certificate from the factory also at that time.

8. The MES authorities should ~~also~~ issue such no objection certificate within a period of fortnight and the Principal of Govt. Polytechnic ~~the College~~ to keep his admission open till such time for another 15 days for him to produce the no objection certificate from the R-1.

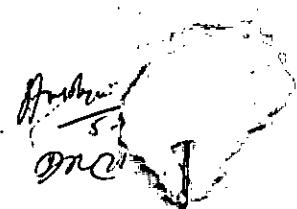
9. With the above direction, the OA is disposed of at the admission stage itself. No order as to costs.


(B.S.JAI PARAMESHWAR)
S.I.Q8 MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 5th Jan. 1998.
(Dictated in the Open Court)

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D.O.C.J.

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Copy to:

1. The Garrison Engineer, GE (I), R&D Kanchanbagh, Hyderabad.
2. The Chief Engineer, CE, R&D, Secunderabad.
3. The Adjutant General D&E.Genl. of Org/Org 4 (Civ)(b), Army Head Quarters, P.O., New Delhi.
4. The Principal, Govt.Politechnic, Masab Tank, Hyderabad.
5. One copy to Mr.Surendra Desai, Advocate,CAT,Hyderabad.
6. One copy to Mr.V.Vinod Kumar, Addl.CGSC,CAT,Hyderabad.
7. One copy to to HRBS,M(J),CAT,Hyderabad.
8. One copy to D.R(A),CAT,Hyderabad.
9. One duplicate copy.

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19/1/98
cc today
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COMPARED BY

COURT
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND
THE HON'BLE MR. H. S. VENKATESWARA PRASAD (M.A.)
And
The Hon'ble Mr. B. S. Jai Parameshwar

DATED: 5 - 1 - 1998

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ORDER/JUDGMENT:

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

in
O.A. No. 1755/97

T.A. No.

Q.W.R.

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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W.C.M. 200

