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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.389/97.

Date: 15th April, 1997.

Between:

Dr.M.C.Pandey. .. Applicant.

And

1. The Government of India, rep. by Scientific Adviser to Raksha Mantri and Director General, Research and Development, DRDO, Ministry of Defence, South Block, New Delhi - 110011.
2. The Government of India, Rep. by Secretary, Dept. of Personnel and Training, Ministry of Home Affairs Central Secretariat, New Delhi 11 0011.
3. The Govt. of India, Rep. by Secretary, Law and Legislative Office, Ministry of Law and Justice, Central Secretariat, New Delhi 110011.
4. The Director, Defence Metallurgical Research Laboratory, Research and Development Organisation, Ministry of Defence, Govt. of India, P.O. Kanchanbagh, Hyderabad 500258,

Respondents.

Counsel for the Applicant: Sri P.Naveenr Rao.

Counsel for the Respondents: Sri Vinod Kumar.

JUDGMENT

(By Hon'ble Shri H. RAJENDRA PRASAD, MEMBER (A) )  
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Heard Sri Naveen Rao for the applicant and Sri Vinod Kumar for the respondents.

2. The applicant in this case is aggrieved by the

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decision of the Ministry of Defence communicated on 15--3--1996, to the effect that the applicant's request for commutation of leave from EOL to EL cannot be acceded to because the CCS(Leave)Rules are not applicable to 'consultancy assignments'. Earlier, the Ministry of Defence in their Letter No.DTSR/70302/283/ RD-25(B) dated 11--3--1993 had given a clarification that the CCS(Leave)Rules, 1972, cannot be applied to the case of the applicant, since the grant of leave to avail of post-doctoral fellowship, studentship, Assistantship etc., do~~not~~ not fall within the purview of these Rules. In the same communication it was also mentioned that the applicant is likely to be offered an assignment of visiting Research Fellow(Post-Doctoral Research Fellowship) and as such he was not entitled to any study leave.

3. The applicant is not clear as to what exactly was the nature of his assignment abroad. He merely states that the Director, DRML, had proposed his name to Plymouth University for advanced study and research in some specialised areas within the larger area of high temperature material on which he was working in the Laboratory, and that the <sup>re</sup> search work assigned to him at the Plymouth University was of a nature

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designed to promote and sharpen his skills in the type of work he was doing in the DMRL. The Director of DMRL too held the view that the work to be done by the applicant in the said University in U.K., would Promote progress, usher in high standards and facilitate further improvements in the work done at the Laboratory.

4. It is seen that, on being informed of this position(vide communication supra dated 11-3-1993) the applicant had given his agreement/consent for the grant of EOL for six months beginning 1st May, 1993. It is doubtful, if anything further remains to be considered after this, since he himself applied for gave EOL and an undertaking in ~~the~~ clear terms. Nevertheless, the applicant now mentions a few other instances where Scientists were sanctioned earned leave under similar circumstances (Page 6, para 4(d) of the O.A.)

5. This Tribunal is not in a position to formulate or express any definite view in this regard, since it is a matter not merely of application, or non-application, of leave rules but one which is related also to specialised research and areas of technology which can be best judged only by technical experts.

J.  
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6. It is, therefore, directed that the applicant may now submit a comprehensive representation to the Respondents/setting forth his renewed claim as ~~also~~ <sup>also</sup> the grounds thereof, with specific reference to leave rules as would, in his opinion, entitle him to the leave applied for. This may be done within 30 days from today. The respondent shall have the claim re-examined, on the basis of facts, and according to rules, within three months of the date of receipt of such representation. While disposing of the representation, the respondents may also examine the aspect relating to the grant of leave, if any, to similarly-placed Scientists as mentioned by the applicant in para 4(d) of the O.A.

With the above directions, the O.A., is disposed of. No costs.

  
(H. RAJENDRA PRASAD)

MEMBER (A)

Date: 15-4-1997

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Dictated in open Court.

sss.

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Copy to:-

1. The Mantri & Director General,  
& Sceintific Adviser to Raksha  
Mantri and Director General,  
Research and Development, DRDO,  
Ministry of Defence, South Block,  
New Delhi-110 011.
2. The Secretary,Department of Personnel  
and Training, Ministry of Home Affairs,  
Government of India,  
Central Secretariat, New Delhi-110 011.
3. The Secretary, Law & Legislative  
Office, Ministry of Law and Justice,Central  
Secretariat, Government of India,  
New Delhi.
4. The Director, Defence Metallurgical  
Research Laboratory, Research and  
Development Organisation, Ministry of Defence,  
Govt.of India, P.O.Kanchanbagh,Hyderabad-500 258.
5. One copy to Mr.P.Naveen Rao,Advocate,  
CAT,Hyderabad.
6. One copy to Mr.Vinod Kumar,CGSC,CAT,Hyd.
7. One spare copy.
8. One copy to Hon:ble Member (A)
9. One copy to DR (A)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, AT HYDERABAD

THE HON'BLE MR. JUSTICE  
VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: N-4 - 1997

ORDER/JUDGMENT

M.A./P.A./C.A.NO.

C.A.No.

889/97

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.

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केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal

DESPATCH

30 APR 1997

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