

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

O.A. No. 1058/2016
M.A. No. 1801/2016
M.A. No. 1802/2016

New Delhi this the 26th day of April, 2017

HON'BLE MR. P.K. BASU, MEMBER (A)

Dr. Sangeeta Ahuja
(Aged about 42 years)
W/o Dr. Manoj Sharma
Scientist (Sr. Scale)
Indian Agricultural Statistic Research Institute
(IASRI),
Library Avenue, Pusa,
New Delhi-110012.

.. Applicant

(By Advocate: Shri B.L. Jangira)

Versus

1. Indian Council of Agricultural Research (ICAR)
Through its Secretary,
Krishi Bhawan,
New Delhi-110001.
2. The Director,
Indian Agricultural Statistics Research Institute
(IASRI),
Library Avenue, Pusa,
New Delhi-110012.

.. Respondents

(By Advocate: Shri S.R.B. Mathur with Shri Gagan Mathur and
Shri Varun Kumar)

ORDER (ORAL)

The applicant joined as an Agricultural Research Service (ASR)
Scientist on 27.10.1999 in Indian Agricultural Statistics Research

Institute (IASRI), a Unit of Indian Council of Agricultural Research (ICAR), New Delhi. She applied for Study Leave for pursuing Ph.D. Programme in Computer Science from the Department of Mathematical Sciences, University of Delhi and was granted Study Leave from 01.07.2004 to 30.06.2006. Thereafter, on her request, the leave was extended for one more year upto 20.06.2007. In continuation of Study Leave, the applicant was granted Maternity Leave for a period of 135 days w.e.f. 01.07.2007 to 12.11.2007. She joined back in IASRI on 13.11.2007 and has since been working in IASRI.

2. The respondents vide order dated 06.07.2015 and 24.08.2015 directed that leave salary and interest on leave salary amounting to Rs.9,58,950/- be recovered from the applicant in about 86 instalments @ Rs.11,000/- p.m.

3. The applicant made a representation dated 09/12.06.2015 which was disposed of vide order dated 18.01.2016 stating that since she was not able to complete her studies within the period of Study Leave in accordance with provisions laid down in Rule 6(a) of ARS Study Leave Rules, 1991, she is liable to refund to the Organisation amount of leave salary and allowances and, thus, the respondents found no merit in her representation.

4. Being aggrieved by this action of the respondents, the applicant has filed this O.A. with the following prayer:

- “(a) To direct the respondents to produce the records of ICAR HQ (File No.Engg/5/9/2015-IA-II (AE) and file No.35 (208)/1999-Per-I) and IASRI files relating to cases where study leave was granted for Pd.D. studies and the thesis was submitted/degree was awarded after expiry of study leave including the files of Mrs. Anshu Dixit, Mr. Wasi Alam and Mr. K.K. Chaturvedi of IASRI.
- (b) To quash and set aside the impugned orders dated 13.05.2015, 02.06.2015, 06.07.2015, 24.08.2015 and 18.01.2016 endorsed on 20.01.2016 passed by respondents for recovery of Rs.9,58,950/- on account of leave salary paid during study leave alongwith interest.
- (c) To pay back the amount already recovered from applicant through her salary of August, 2015 onwards @Rs.11000/- pm vide IASRI order dated 24.08.2015, with interest.
- (d) Allow cost in favour of the applicant.
- (e) Any other relief, which this Hon’ble Tribunal may deem fit and proper in the facts and circumstances submitted hereinabove, may also be awarded to the applicant”.

5. Heard the learned counsel and perused the relevant orders/rules.

6. Rule 6 of ARS Study Leave Rules, 1991 provides as follows:

“A Scientist:

- (a) “who is unable to complete his studies within a period of Study Leave granted to him or
- (b) xxx xxx xxx
- (c) xxx xxx xxx
- (d) xxx xxx, shall be liable to refund to the organisation, the amount of leave salary and allowances and other expenses,

incurred on the Scientist or paid to him on his behalf in connection with the course of study.”

In this regard, I also quote below Rule 4(1), which reads as follows:

“4. Duration

(1) Study leave shall be granted by the competent authority on receiving the full plan of work, for a duration as may be considered necessary. The period of study leave shall be 3 years for Ph.D purposes. However, Study leave sanctioned for purposes of prosecuting courses other than Ph.D shall not exceed 2 years.”

6. The respondents’ stand is that since the applicant could not complete her Ph.D. by 30.06.2007, the date on which her Study Leave had expired, but could complete her Ph.D. only on 09.09.2013, i.e. almost 6 years after the date of completion of study leave, therefore, in view of Rule 6 (a), she is liable to refund the leave salary and interest on leave salary totalling Rs.9,58,950/-.

7. On perusal of the Study Leave Rules, it would be seen that these rules have been framed to encourage scientists to pursue a special line of study or research including a course work for Ph.D. Degree and stipulates in Rule 4(1) that period of study leave shall be three years for Ph.D. purposes. Anyone familiar with the academic scenario is well aware that normal time required by a scientist for obtaining a Ph.D. Degree in any scientific field is about

4-5 years and, in fact, in certain fields like Genetics etc., it may take even more time. In fact, in many leading institutions in the US, a Ph.D. scholar first has to earn credits by attending courses in his field for two years. This is followed by a 'Qualifier'. Only when the scholar qualifies in the 'Qualifier', does he choose his Topic for research and takes about 3 years to complete his Ph.D. Even in IARI, I wonder if scholars get their Ph.D. degree in 3 years. Therefore, the only meaning that can be assigned to Rule 4(1) is that the leave of 3 years is granted for Ph.D. **purposes**, which means direct involvement in experimentation, reading up literature, collating of data, formulation of problem etc. By no stretch of imagination, can this be interpreted by the respondents to mean that the Ph.D. Degree has to be awarded within 3 years! It is for this reason that in Rule 6(a), the language is "who is unable to complete his **studies** within a period of Study Leave". It does not say "who is unable to complete his Ph.D." There can be no other interpretation possible. In fact, I am surprised that her superiors, who themselves are scientists, could take this illogical stand. God help the development of science in our country, if this is the attitude of scientific departments!

8. In view of what I have said above, the O.A. succeeds and the orders dated 18.01.2016, 20.01.2016, 24.08.2015, 06.07.2015, 02.06.2015 and 13.05.2015 are quashed and set aside, and the respondents are directed not to seek any refund from the applicant for the period from 01.07.2004 to 12.11.2007. Any recovery, if already made, should be refunded to the applicant within a period of one month from the date of receipt of a copy of this order.

9. In view of final orders passed in the O.A., both the MAs also stand disposed of. No order as to costs.

(P.K. BASU)
MEMBER (A)

/Jyoti/