

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00404/2017

DATED THIS THE 30TH DAY OF JULY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

Dr.S.Sayeeda Begum.
D/O Late Syed Shahjahan,
Aged 32 years,
Presently working in
Arignar Anna Hospital of Indian Medicine,
Arumbakkam, Chennai 600 106,
Residing at No.88, SaitBeedi Lane,
Perambur High Road,
Jamalia – Chennai- 600 012. ...Applicant.

(By Advocate Shri B.B. Bajentri)

V/s.

1.Union of India,
Represented by its Secretary
Ministry of Health and Family Welfare
Services, Government of India,
New Delhi.

2.The Director,
National Institute of Unani Medicine,
Kottigepalya, Magadi Main Road,
Bangalore- 560 091

3.The Joint Secretary,
Government of India,
Department of Ayush,
New Delhi-110 023.Respondents.

(By Shri Vishnu Bhat.... Sr. Panel Counsel for R-2)

O R D E R (ORAL)

Heard. The issue is in a very small compass. The applicant got admitted to PG Course as an outsider and subsequently got employment in the Tamil Nadu Government. The Tamil Nadu Government permitted the applicant to

continue in the course and granted Extra Ordinary Leave without pay. While she was so engaged as an outsider earlier, she had been paid stipend according to rules. Now the rules do not prescribe stipend to be paid to in-service candidate, who is on EOL.

2. We do not think that we can create a law, since the law is silent on the subject and elements of it are also seem to be against the applicant. This stipend is paid apparently by an institute in a particular cause so that, apparently under the fond belief that these people will enure to that particular geographical society the benefit thereof. But the applicant is an employee of another State and that belief seems to be shattered, even though the Institute is a national Institute. In other words, we do not find any reason to carry our judicial discretion so forward, as pertinent elements are lacking in the cause of the applicant. Her extra ordinary leave is no prejudice to her as all other benefits will be available to her including seniority. Therefore, there is no equity on her side to claim along with outsider.

3. Therefore, I find no reason to burden the Institute with the burden of payment of stipend to the applicant. Therefore, extraordinary discretion cannot be utilized. That being so, no merit.

4. OA dismissed. No order as to costs.

(K.B. SURESH)
MEMBER(J)

vmr

Annexures referred to by the applicant in OA No.404/2017

- Annexure A1: Copy of joining report dated 1.11.2013 issued by 2nd respondent
- Annexure A2: Copy of certificate issued by 2nd respondent dated 28.11.2013
- Annexure A3: Copy of appointment order dated 11.12.2014
- Annexure A4: Copy of representation dated 24.12.2014
- Annexure A5: Copy of order dated 27.6.2016
- Annexure A6: Copy of representation dated 9.3.2015
- Annexure A7: Copy of OM dated 31.3.2009
- Annexure A8: Copy of representation dated 10.7.2015
- Annexure A9: Copy of representation dated 14.9.2015
- Annexure A10: Copy of representation dated 19.1.2017
- Annexure A11: Copy of representation dated 28.3.2017
- Annexure A12: Copy of Indemnity Bond format
- Annexure A13: Copy of Degree certificate on 6.4.2017
- Annexure A14: Copy of representation dated 7.9..2016 of Sri Munawar Shareef.

.....