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C.A.No. 2145 OF 2000
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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.....L.....I.....T.....T.....T.....T.....T.....T.....J.....
ITEM NO.103 COURT NO.6 SECTION-XIA

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.2145/2000

National Institute of Rehabilitation.. Appellants
Trainign & Research & Anr.

Vs.

Ranjan Das .. Respondent

(With prayer for interim relief)

DATE : 13.12.2001 : This/These matter (s) was/were
called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MRS JUSTICE RUMA PAL

For Appellant (s) : Mr. B.A. Mohanti, Sr. Adv.
Ms. Mamta Tripathi, Adv.
Ms. Aruna Mathura, Adv.
M/s Arputham, Aruna & Co.

For Respondent (s) : Mr. S. Misra, Adv.
Mr. R.M. Patnaik, Adv.
Mr. Ashish Kumar, Adv.
Mr. Biswajit Swain, Adv.
Ms. Kumud Lata Das, Adv.

UPON hearing counsel the Court made the following
O R D E R

.....L.....I.....J
.SP2
The Appeal is dismissed in terms of the signed
order.

.SP1

(Meenu Sethi)
Court Master

(Om Prakash)
Court Master

Signed order is placed on the file

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.PL57

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2145 OF 2000@@
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National Institute of Rehabilitation .. Appellants
Training and Research(NIRTAR)

Vs.

Shri Ranjan Das .. Respondent

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.SP2

The question raised before us is as to the interpretation of Rule 50(3) of the Central Civil Services(Leave) Rules, 1972 which enables an employee to get leave and undergo a course of study or training which will be of advantage from the point of view of the institution, where he is employed.

In this case the High Court examined the matter on the facts arising in a Writ Petition filed by respondent who is employed with the appellant. The High Court relied upon the certificates issued by the Head of the Department of Physiotherapy dated 25.5.1998 and that of the Officiating Director dated 21.5.1998 to hold that there is due compliance of the said Rule as provided in the proviso to the said Rule and gave a direction that he may be allowed to undergo and join the M. Tech Programme Bio-Medical Engineering course at I.I.T. Mumbai and gave further direction that during the period of training the respondent will be granted study leave and draw salary as is admissible under the Rules.

-2-

We do not find any good reason to interfere with the order of the High Court as it is based on the facts arising in the case that the learned Counsel for the appellant strenuously contended that this finding is not correct. However, we think that in the interest of the institution, it would be appropriate to impose the following conditions to the relief granted by the High Court:

.SP1 "He may be asked to give an undertaking in a bond to report back on the same post and same scale of pay and to serve for a period minimum three years and also to look after the preventive maintenance and repairs of all medical equipments of the Institute, failing which he will have to refund the amount spent on him to undergo the P.G. Course. He should not claim higher salary or post as a matter of right after obtaining the higher qualification at the cost of the NIRTAR. The respondent be relieved at the end of the current academic year."

.SP2 Subject to this modification, the appeal is dismissed.

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[S. RAJENDRA BABU]@@
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.....J@@
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[RUMA PAL]@@
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New Delhi,@@
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December 13, 2001.