

(2018) 05 DEL CK 0278

In the Delhi High Court

Case No : W.P.(C) 5445 OF 2018 & CM 21121 OF 2018

DR. BHAWANI SINGH RATHORE

APPELLANT

Vs

EMPLOYEES STATE INSURANCE CORPORATION AND ANR.

RESPONDENT

Date of Decision : 21-05-2018

Acts Referred:

Central Civil Services (Leave) Rules, 1972 — Rule 50

Citation : (2018) 05 DEL CK 0278

Hon'ble Judges : SUNIL GAUR

Bench : Single Bench

Advocate : Maninder Singh, Kumar Pipaniya, Rohit Arora, Smriti Asmita, Aekta

Final Decision : Disposed Of

Judgement

SUNIL GAUR, J.

1. Impugned Communication of 23rd April, 2018 (Annexure P-1) declines to approve petitioner's study leave for Post-Graduation Course in

General Medicine with liberty to petitioner to seek extraordinary leave for study purpose.

2. Learned counsel for petitioner assails impugned order (Annexure P-1) by submitting that it is a non-speaking order and as per Rule 50 of the

Central Civil Services (Leave) Rules, 1972, study leave is to be granted if it is of definite advantage to government from the point of view of public

interest and the government servant after the study leave is capable of applying his mind in a manner likely to improve his abilities and to equip him

better. However, as per the Rules governing study leave, it can be declined with due regard to the exigencies of public service. It is submitted by

petitioner's counsel that petitioner's study leave has been recommended by second respondent, but without any justification, it has been

declined by first respondent, although petitioner has already submitted a surety bond to the tune of rupees five lacs in the college where petitioner has

to undertake higher studies and if petitioner is not allowed to join the said college, then the said bond shall stand forfeited to the detriment of petitioner.

3. Despite service of advance notice, there is no representation on behalf of respondents.

4. In the facts and circumstances of this case, it is deemed appropriate to dispose of this petition with permission to petitioner to seek review of

impugned order (Annexure P-1) within two days. If any such application seeking review of impugned order (Annexure P-1) is received by first

respondent, then it be dealt with by passing a speaking order and its outcome be made known to petitioner within two days thereafter, so that petitioner

may avail of the remedies as available in law, if need be.

5. First respondent be apprised of this order forthwith, to ensure its compliance.

6. With aforesaid directions, this petition and the application are disposed of. Copy of this order be given dasti under signatures of the Court Master to

learned counsel for petitioner.