



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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(1)	CWP-2510-2023 (O&M) Date of Decision: 16.09.2025
Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh	Petitioner
Versus	
The Central Administrative Tribunal, Chandigarh and others	Respondents

(2)	CWP-2512-2023
Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh	Petitioner
Versus	
The Central Administrative Tribunal, Chandigarh and others	Respondents

(3)	CWP-2513-2023
Post Graduate Institute of Medical Education and Research (PGIMER), Chandigarh	Petitioner
Versus	
The Central Administrative Tribunal, Chandigarh and others	Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE VIKAS SURI



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Present: Ms. Sukhmani Patwalia, Advocate
for the petitioners.

Mr. G.S.Bal, Senior Advocate with
Mr. Avtar Singh, Advocate
for the respondents No.2 to 5
(in CWPs No.2510 and 2512 of 2023).

Mr. Satya Pal Jain, Additional Solicitor General of India with
Mr. Dheeraj Jain, Senior Panel Counsel
for respondent – UOI.

Mr. Harkirat Singh Sandhu, Advocate
for respondent No.2 (in CWP-2513-2023).

Harsimran Singh Sethi, J. (Oral)

1. The present three petitions, the details of which are mentioned in the heading, are being disposed of through a common order as common question of law is involved in all the cases.

2. The present petitions are filed challenging the order dated 11.01.2023 (Annexure P-1) passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh, (for short ‘the Tribunal’) by which, the Original Applications filed by the respondents (herein) have been allowed and the petitioners have been directed to consider the case of the respondents for grant of study leave under the provisions of Study Leave Rules 1972 and relieve them so that they can pursue their higher studies.

3. Learned counsel appearing on behalf of the petitioners argues that as a matter of fact, keeping in view the interim order passed by the Tribunal, the respondents have already undergone the course they opted for and have also joined back the service. Hence, the only grievance of the petitioners



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which remains as of now is qua the finding given in paragraph 22 of the impugned order dated 11.01.2023 (Annexure P-1) that while granting the no objection certificate so as to apply for study leave no restrictions can be put by the petitioner and the candidate has absolutely unfettered power to claim undergoing the course under study leave Rules, is causing prejudice to the institute as, there are number of employees, who by placing reliance upon such finding, are claiming the benefit of study leave, leaving the institution in no position to decline the same, as the same would affect the working of the institution.

4. The learned counsel appearing on behalf of the respondents submits that once the respondents have already undergone the study qua the course they opted for and have joined back the institute, they have no issue in case, the finding recorded in paragraph 22 by the Tribunal is clarified in a manner required.

5. We have heard the learned counsel for the parties and have gone through the record with their able assistance.

6. The question which has come before this Court for determination in the present case is that whether study leave claimed by the employees working in an institute is a matter of right and that too without there being any right with the employer to reject the same.

7. It may be noticed that the benefit of study leave while being appointed in an institute can only granted for the purpose that the employee concerned gets the chance to enhance his/her academic qualification and acquires a better knowledge qua the work that is to be performed in the



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institution by such employees in course of their employment, which will ultimately help the institution in better functioning while the employee perform his/her duty after acquiring such academic qualification after grant of benefit of said study leave.

8. It is also a conceded position that either the salary or the stipend admissible to such an employee who seeks to pursue higher studies under study leave is being paid to them by the employer hence, it can be safely said that such an employer is financially involved while an employee undertakes to go for higher studies and is taking care of such employees financially, while such employee is pursuing higher studies while availing the benefit of study leave. Hence, employer has a right to put condition upon its grant of such study leave and same cannot be led to the discretion of the employee to claim the same as a matter of right and that too without any power with the employee to put condition.

9. Further, the benefit of study leave is granted by an employer so that, the running of the institution is done in a better way, while keeping in mind that operation of such institute is not hindered in any manner due to the absence of such employees, who are seeking study leave. In case, the employer is of the view that after the grant of study leave, there will be a shortage of staff which will hamper the functioning of the institute so as to perform the functions which the institute is required to perform, the institute, if takes such bonafide decision to not grant study leave to its employee, the same has to be appreciated and said right of the employee is to be recognised keeping in view the facts and circumstances of the each case to be decided by



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the authorities concerned where the issue qua grant of study leave to employees concerned is placed before.

10. The impugned order passed by the Tribunal while recording a finding that while giving no objection certificate to an employee so as to allow him/her to undergo higher studies, the conditions/restrictions can't be put, cannot be accepted. It should be noted that an employee is initially given no objection certificate so that he/she can compete for getting a seat in certain academic course and in case, such employee is able to secure a seat for further studies, it has to be duly taken into consideration that whether the academic qualifications are obtained from a recognized institution or not so that, the said academic qualification of an employee ultimately helps out the institution in its better functioning after such employee rejoin the institution on completion of the said study leave period.

11. Further, as for the issue that whether claim of an employee for grant of study leave is to be entertained irrespective of the fact that whether there is enough staff to discharge the duties of the institution concerned so that the institution smoothly works, the said issue has to be decided by taking into consideration the fact that the prime duty of such employee is towards the institution and to discharge his/her obligation qua employment and it is only in case where, the absence period of such employee can be taken care of by the employer without any hindrance qua smooth functioning of the institution then only such benefit of study leave can be granted.

12. The findings which have been recorded by the Tribunal in the impugned order that while granting no objection certificate to an employee for



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grant of study leave, the employee gains unfettered power to seek study leave, cannot be accepted and the said finding given in paragraph 22 cannot be allowed to operate and are accordingly set aside.

13. Further, it cannot be said that the employee has the right to avail admission in a course from an institution of their choice especially when, the whole purpose of the study leave is that as and when the said employee gains the higher academic qualification, the institution is better served by working of such an employee in said institution, and it is a conceded aspect that during the period of study leave, the institution is still paying the salary/stipend to such employee and thus the institution has a right to put a condition upon grant of no objection certificate to employees that the qualification which the employees are seeking are to be gained from a recognized institute so that, the institution which is paying salary to such employees while grant them study leave, is able to gain from the higher studies so acquired by such employees.

14. Keeping in view the above mentioned facts, the petitioners will be within the jurisdiction to grant the study leave to its employees by keeping the above mentioned fact in mind and by taking a bonafide decision so that, the employees are also able to get a higher qualification so as to progress in life while the institution gains from the higher qualification its employee has attained.

15. In case, the institute from where the proposed study is to be undertaken, is recognized by a particular State to impart such qualification sought to be obtained by the employees, the same will be good enough for the grant of permission for study leave and particular institutes cannot be



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prescribed for study leave, as seats in the prestigious institutes are restricted. In case any employee is not able to secure in such prestigious institutes it cannot be said that such employee stands debarred from enhancing his/her qualification by getting admission to a recognised institution, which has all the infrastructure and due permission from all the requisite quarters to impart such academic courses.

16. The said recognition clause is being put as a condition for grant of study leave due to the reason that the State only recognizes those institutions where the infrastructure for the said academic course has been certified to be available and has been approved by the parent body, as the case may be i.e. the Medical Council or the Nursing Council etc.

17. All the petitions stand disposed of accordingly.

18. Pending application(s), if any, stands disposed of.

19. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

(VIKAS SURI)
JUDGE

September 16, 2025

Varinder

Whether speaking/reasoned : Yes

Whether reportable : No