

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 644/2001

New Delhi this the 19th day of March, 2001.

HON'BLE SHRI JUSTICE ASHOK AGARWAL, CHAIRMAN

HON'BLE SHRI GOVINDAN S. TAMPI, MEMBER (A)

Ms. Akhilesh Gaur D/O Ishwar Chandra Gaur,
R/O A-4C-74, Janakpuri,
New Delhi-110058.

... Applicant

(By Shri Gulab Rai Chabria, Advocate)

-versus-

1. Union of India through
Scientific Advister to
Raksha Mantri & Secretary,
Research & Development,
Ministry of Defence, South Block,
New Delhi-110001.
2. Director, ADRDE,
Agra Cantt, Agra.
3. J.K.Tyagi, Associate Director,
ADRDE, Agra Cantt., Agra.
4. Sudhir Gupta,
Ex. Administrative Head,
ADRDE, Agra Cantt, Agra.
5. D.N.Mendekar,
Administrative Officer,
ADRDE, Agra Cantt, Agra.

... Respondents

O R D E R (ORAL)

Shri Justice Ashok Agarwal :

Applicant in the present OA has made the following prayers :

"The applicant seeks the indulgence of this Hon'ble Tribunal to direct the respondent No.1 to initiate enquiry against respondent No.2 and 3 for mental and sexual harassment meted out to the applicant and also for withholding the salary of the applicant for the months of July 1998 to January 2000 and also to pay a sum of Rs.50,000.00 as compensation for the mental agony suffered by the applicant at the hands of respondent No.2 and 3 and also the interest on the unpaid salaries during the months of July 1998 to January 2000."

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2. In our view, aforesaid prayer suffers from vice of multifariousness. ~~A prayer is made to initiate enquiry against sect 283~~ Prayer is made for compensation on ~~for mental~~ account of mental ~~agency suffered by her~~ sexual harassment. Prayer is also ~~sexual harassment~~ made for salary and promotions. A further prayer is ~~is made~~ made to initiate enquiry against respondents 2 and 3 for being responsible for causing mental and sexual harassment to the applicant. Present OA, in the circumstances, will not be maintainable on account of the aforesaid multiple prayers contained in the OA.

3. Moreover, prayer for compensation in a sum of Rs.50,000/- claimed on account of mental and sexual harassment, in our view, is not a service matter which falls within the domain of this Tribunal. Shri Gulab Rai Chabria, the learned counsel appearing in support of the OA has placed reliance on a decision of this Tribunal in the case of Smt. Ila Chowdhary v. Union of India, [1989] 9 ATC 546 in support of his claim that the claim for damages will lie in this Tribunal. Aforesaid decision arose out of disciplinary proceedings which had been taken against an officer who had allegedly outraged the modesty of the applicant therein and had misbehaved with her. The order passed in the disciplinary proceedings exonerating the charged officer was question in the Tribunal. Aforesaid exoneration in disciplinary proceedings was a subject matter of consideration in the aforesaid case. Aforesaid case, in the circumstances, can have no bearing on the facts and circumstances of the present case.

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4. Shri Chabria has next placed reliance on the case of Chairman, Railway Board & Ors. v. Mrs. Chandrima Das & Ors., JT 2000 (1) SC 426. In the aforesaid case, all that has been held is that a petition alleging violation of Fundamental Rights or enforcement of public duties can be enforced in a writ petition in the High Court, despite such a relief was open to be claimed in a civil suit. Aforesaid case which dealt with compensation for sexual assault was held maintainable in writ jurisdiction. Aforesaid decision also, in our view, can have no application in the present case.

5. For the foregoing reasons, we find that the present OA is devoid of merit. The same is accordingly summarily rejected.

(Govindan S. Tampi)
Member (A)

(Ashok Agarwal)
Chairman

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