

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. 1185/96

New Delhi this the 19th day of August, 1996

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Hon'ble Shri R.K. Ahooja, Member(A).

Sumer Singh Solanki,  
S/o Shri Subh Ram,  
R/o Vill & PO- Shahbad,  
Mohdpur,  
IGI Airport,  
New Delhi.

...Applicant.

By Advocate Shri Ajay Pandey, proxy for Shri, V.K. Shali.

Versus

1. Union of India  
through Director General  
Health Services,  
Nirman Bhawan,  
New Delhi.

2. Medical Superintendent,  
Safdarjung Hospital,  
New Delhi.

3. Shri K. Ramachandran,  
Bio Chemist,  
Bio Chemistry Department,  
Safdarjung Hospital,  
New Delhi.

...Respondents.

By Advocate Shri N.S. Mehta, Sr. Standing Counsel  
for Respondents 1 and 2.

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

1. The learned proxy counsel for the applicant  
seeks adjournment.

2. Shri N.S. Mehta, learned counsel for the  
respondents, submits that this application is not  
maintainable on the following two grounds, namely,  
that;-

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i) under Rule 10 of the CAT (Procedure) Rules, 1987, the application has to be based upon a single cause of action whereas in this case in para 8. plural reliefs have been prayed for which are not consequential to each other. He relies on the judgement of the Supreme Court in C.N. Phukan Vs. Union of India & Ors., (1996 (33)ATC 518) and submits that following this judgement, plurality of causes of action, namely, promotion and quashing of adverse remarks are not permissible in a single application under Rule 10 of the CAT (Procedure) Rules, 1987.

ii) in para 8.2 the applicant has sought promotion to the post of Lab Technican against Mrs. Kamala Devi, who has been promoted to that post, without impleading her as a necessary party in the O.A.


He, therefore, submits that this O.A. is liable to be dismissed on these preliminary grounds as being contrary to the provisions of law.


3. We have considered the above submissions made by the learned counsel for the respondents and perused the records. Having regard to the provisions of Rule 10 of the CAT (Procedure) Rules, 1987, the relief for quashing adverse remarks and for promotion not being consequential to each other is not permissible in a single application, as also held by the Supreme Court in Phukan's case (Supra). Further, the relief claimed in para 8.2 is against one Mrs Kamala Devi, who has

(A)

not been impleaded as a party in this application. Accordingly, this O.A. is liable to be dismissed on the ground of non-joinder of necessary party.

4. Having regard to the facts in the O.A. and the relevant law referred to above, this application is dismissed with liberty to the applicant to file a fresh application, if he so desires, in accordance with law. No order as to costs.

  
(R.K. Ahooja)  
Member(A)

  
(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'