

Central Administrative Tribunal, Principal Bench

Original Application No.1908 of 2000
M.A.No.214/2001

New Delhi, this the 19th day of February, 2001

(b)

Hon'ble Mr.Kuldeep Singh,Member (J)
Hon'ble Mr.S.A.T.Rizvi,Member(A)

Smt. Indra wife of late Shri Raj Singh
R/o D-17, Kakorala More, Navada Housing Complex,
Laxmanpuri, Navada Delhi
Presently posted in the office of the
Estate Manager, Weaver Complex,
Bharat Nagar, Delhi

- Applicant

(By Advocate - Shri S.L.Choudhary)

Versus

1. The Chief Secretary
Govt. of NCT Delhi
5, Sham Nath Marg
Delhi
2. The Commissioner cum Secretary
Industry Department, Govt. of NCT Delhi
CPO Building, Kashmere Gate
Delhi
3. Shri S.K.Meena, Dy. Director (Admn)
Industry Department, Govt. of NCT Delhi
CPO Building, Kashmere Gate
Delhi
4. Shri S.K.Nigam, ADI cum E/M
Industry Department, Govt. of NCT Delhi
B-72, Leather Complex, Wazirpur Industrial Area
Wazirpur, Delhi
5. Shri R.K.Verma
House No.75
Gopal Park, Post Office Ram Nagar
Krishan Nagar, Delhi-51
6. Shri Maha Singh, UDC
Office of the E/M Leather Complex
B-72, Leather Complex, Wazirpur Industrial Area
Wazirpur, Delhi

- Respondents

(By Advocate: Mrs. Sumedha Sharma, for respondents 1-3
Shri R.N.Saxena, for respondents 4-)

O R D E R (ORAL)

By Hon'ble Mr.Kuldeep Singh, Member (J)

Applicant is aggrieved of the impugned order
No.600-603, dated 19.6.2000 passed by Shri S.K.Nigam,
Asstt. Director-cum-Estate Manager, whereby she was

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surrendered with a direction to report to JDI (H/H) for further posting. (7)

2. Case of the applicant is that impugned surrender order is based on certain allegations against her that she has not been performing her duties satisfactorily and that she had been using abusive language in the office whereas, in fact, according to applicant she has been regularly attending her duties to the entire satisfaction of her superiors.

3. Learned counsel for the applicant submitted that the impugned surrender order is based on a complaint made by a UDC namely, Shri Maha Singh and it will affect the future career of the applicant. He submitted that this surrender order is being actuated with malafide intention and malice towards the applicant and, therefore, it should be set aside.

4. On the contrary, learned counsel for the respondents submitted that applicant was not required in the office of Asstt. Director-cum-Estate Manager as she had not been attending her duties properly and had been using abusive language in the office. Respondents have submitted that applicant had created bad atmosphere in the office and it had become very difficult for the staff members to work in such an atmosphere. However, learned counsel for the respondents also categorically stated that this surrender order will not come in the way of future

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prospects of the applicant and it will not be reflected in the reports upon her work and conduct. It is submitted that by this impugned surrender order, applicant has been asked to work in a Branch which is nearby her present office, therefore, it does not give any cause of action to the applicant to challenge the same.

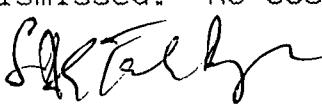
5. We have heard learned counsel for the parties and gone through the records.

6. First of all, we may mention that the surrender order in question is not a punishment order and therefore, it is not justiciable. The applicant has no cause of action to seek quashing of the same. Besides, in view of the categorical statement made by learned counsel for the respondents that the lapses on the basis of which applicant was surrendered to JDI (H/H) for further posting, will not be reflected while recording her annual performance nor will it affect her future career prospects, thus applicant has no cause of action to challenge the surrender order vide which she has been asked to work in another Branch of the same office.

7. In the relief clause, while making a prayer to quash the impugned surrender order, applicant has also prayed that enquiries may be held against Shri S.K.Nigam, respondent no.4 and certain other persons, which amounts to seeking of multiple reliefs and is thus hit by Rule 10 of CAT (Procedure) Rules. So on

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this account also, the OA is not maintainable and deserves to be dismissed. It is, therefore, dismissed. No costs.


(S.A.T. Rizvi)
Member(A)


(Kuldip Singh)
Member(J)

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