

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH: NEW DELHI

O.A.1949/92

Date of decision: 3.2.93

R.N.Goel

.. Applicant.

versus

Central Provident Fund

Commissioner and

Another

.. Respondents.

Sh.V.S.R.Krishna .. Counsel for the applicant.

Sh.R.Kapoor .. Counsel for the respondents.

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The Hon'ble Sh.Justice Ram Pal Singh, Vice Chairman(J)

The Hon'ble Sh.I.P.Gupta, Member(A).

J U D G E M E N T (ORAL)

In this application the applicant has sought for two reliefs namely his regularisation as Enforcement Officer w.e.f. 3.3.90 as per the initial Constitution Clause under Item No.12 of the Recruitment Rules of the Enforcement Officers. The counsel contends that the order dated 18.6.92 regarding regularisation was issued but he was not included in the list though according to the seniority he should have come in between serial No.18 and 19. The other relief sought is for quashing a chargesheet of 1992 in respect of very old allegations.

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2. The learned counsel for the respondents contended that the application is not maintainable because plural remedy has been sought. The learned counsel for the applicant contended that plural remedy has not been sought since according to him non-regularisation was not done on the basis that the chargesheet was issued to him five days later than the issue of order of regularisation. Though the two reliefs sought for may be interlinked in some respects yet since they deal with two different matters, namely regularisation and departmental enquiry, we are of the view that the two reliefs cannot be sought by the same application. The learned counsel for the applicant has also conceded that only the relief for regularisation might be considered in this O.A. with liberty to him to file another O.A. in respect of the other matter.

3. As regards regularisation, it is clear that the order was issued on 18.6.92. It is also undisputed that the chargesheet was given to him on 23.6.92. Therefore, on the date when regularisation order was issued no chargesheet existed and therefore, it cannot be said according to the settled principles of law that any disciplinary enquiry was pending against the applicant. In the conspectus of this fact the respondents are directed to consider the case of regularisation of the applicant according to his seniority and subject to his suitability ignoring any enquiry that might have been under contemplation on the

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date the order of regularisation was issued. With this
direction the case is disposed of with no order as to
costs.

I.P.Gupta
(I.P.Gupta) 3/2/93
Member (A)

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R.P.Singh
(Ram Pal Singh)
Vice Chairman (J)