

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 494 of 2000

Tuesday, this the 30th day of May, 2000

CORAM

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

1. K.K. Sosamma,
Upper Division Clerk (under suspension),
Passport Office, Trivandrum
(Residing at Visakh villa,
T.C. 49/503(10), Manacaud PO,
Trivandrum)Applicant

By Advocate Mr. TK Ananda Padmanabhan

Versus

1. Union of India represented by its Secretary,
Ministry of External Affairs,
South Block, New Delhi.

2. S.R. Tayal,
Joint Secretary CPV and CPO,
Ministry of External Affairs,
South Block, New Delhi.

3. P.G. Punnoose,
Passport Officer,
Kaithamukku, Trivandrum. ..Respondents

By Advocate Mr. Govindh K. Bharathan, SCGSC

The application having been heard on 30th May, 2000,
the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

The applicant seeks the following reliefs:-

(i) To call for records leading to the issuance of Annexure A-3 order of transfer and quash the same so far as it relates to the applicant as one tainted with malafides;

(ii) To direct the respondents to permit the applicant to continue at Trivandrum itself with immediate effect after revoking her illegal suspension;

(iii) To direct the respondents to complete the enquiry proceedings if any within a time frame as this Tribunal deems fit and proper in the facts and circumstances of the case;

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- (iv) To provide for a speedy redressal mechanism in the office for dealing with matters relating to sexual harassment of women at working places on the line of the guidelines of the Hon'ble Supreme Court of India;
- (v) To pass any other order or orders as this Tribunal deems fit and proper in the facts and circumstances of the case; and
- (vi) To award costs of the Original Application.

2. On the last hearing date, the learned counsel appearing for the applicant submitted that the third relief is not pressed.

3. The first relief is to quash A3 order transferring the applicant. The other relief pressed into service is to provide for a speedy redressal mechanism in the office for dealing with matters relating to sexual harassment of women at working places on the line of the guidelines of the Apex Court of India.

4. Rule 10 of the Central Administrative Tribunal (Procedure) Rules says that an application shall be based upon a single cause of action and may seek one or more reliefs provided that they are consequential to one another.

5. Though the learned counsel appearing for the applicant submitted that the relief sought for to provide for a speedy redressal mechanism in the office for dealing with matters relating to sexual harassment of women at working places on the line of the guidelines of the Apex Court of India is consequential to the relief sought for quashing the order of transfer A3, I am unable to follow the reasoning behind it and in my view, the relief sought to provide for a speedy redressal mechanism in the office for dealing with



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matters relating to sexual harassment of women at working places, is not consequential to the relief sought for quashing the order of transfer. That being so, this OA is not maintainable.

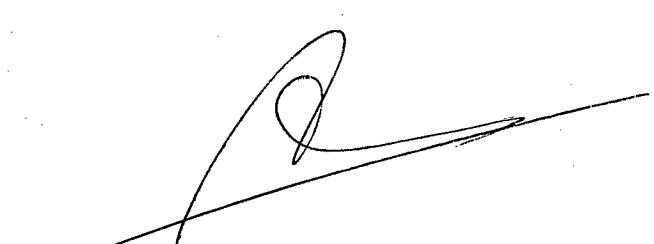
6. In ground "1" of the OA, it is stated thus:

"In the meantime, the applicant approached the Hon'ble High Court of Kerala by filing O.P.10689 of 2000 impleading all the respondents herein for implementation of the judgment of the Hon'ble Supreme Court of India in Vishaka Vs. State of Rajasthan reported in AIR 1997 SC 3011 wherein the Hon'ble Supreme Court has laid down guidelines and norms for the protection of the rights of working women against sexual harassment at working places. The Hon'ble High Court has admitted the matter and ordered urgent notice and the matter now stands posted to 22-05-2000. ..."

7. So, it is clear that in respect of the fourth relief sought for by the applicant in this OA, she has already approached the High Court of Kerala and her OP stands admitted and is pending. The applicant cannot simultaneously invoke the jurisdiction of two legal forums for the same relief.

8. The Original Application is not maintainable and is accordingly dismissed. No costs.

Tuesday, this the 30th day of May, 2000



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexure referred to in this Order:

1. A3 - True copy of the Order of transfer No. 5(68)AD/Tvm/95 dated 28-04-2000 received by the applicant on 28-04-2000.