

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.N. 156/2002

Wednesday this the 6th day of March, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

1. P.Sunil, Assistant Engineer,
Civil Construction Wing,
AIR&TV, Kakkanad,
Cochin-682030.
2. M.Jahir Husain,
Assistant Surveyor of Works (Civil)
Civil Construction Wing,
AIR & TV, Kakkanad,
Cochin-682030.
3. M.K.Venugopal,
Motor Driver,
Civil Construction Wing,
AIR & TV, Kakkanad,
Cochin-682030.

...Applicants

(By Advocate Mr. VB Harinarayanan)

V.

1. The Chief Engineer (Civil.I)
Civil Construction Wing,
AIR & TV, Room No.619,
Soochana Bhavan,
New Delhi-110 003.
2. The Executive Engineer,
Civil Construction Wing,
AIR & TV, Kakkanad,
Cochin-682030.
3. U.Raju, Quarter No.D.22
Block-4, GPRA Quarters,
Kunnumpuram, Kakkanad PO,
Cochin.30.
4. Union of India, represented by
its Secretary to Government,
Ministry of Information & Broadcasting,
New Delhi.
5. The Chairman,
Prasar Bharathi (Broadcasting Corporation
of India) Office of the Executive
Engineer (Civil).

...Respondents

(By Advocate Mr. K. Shri Hari Rao, ACGSC-for R1,2&4)

The application having been heard on 6.3.2002, the
Tribunal on the same day delivered the following:

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.2.
HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicants three in number who are working as Assistant Engineer (Civil Construction Wing), Assistant Surveyor of Works and Motor Driver respectively under the second respondent have filed this application for the following reliefs:

- (a) to declare that the entire action of the third respondent is vitiated by malafides and arbitrariness.
- (b) To direct the 2nd respondent to implement the directions contained in Annexures.A5, A6 and A7 orders without any further delay.
- (c)To direct the first respondent to conduct an enquiry into the actions of the third respondent and take appropriate disciplinary action against him.
- (d)To direct the third respondent to pay the costs of the proceedings to the applicants.

2. It is alleged in the application that the second respondent who is inimically disposed of towards the applicants in this case and is unfavourable to the friends of the applicants are acting malafide in an arbitrary manner and causing harassment to the applicants denying to them their service rights. No specific allegation as to what are the service rights of the applicants that have been infringed by the second respondent has been made. However, it is stated in the application that regarding these harassments and denial of service benefits the applicants had approached the Hon'ble High Court of Kerala and obtained certain orders. It is also alleged that despite the instruction given by the first respondent/^{to} the second respondent in Annexures.A5 and A7 orders, the second respondent who has been impleaded personally as the

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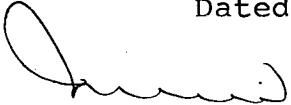
third respondent has not given effect to these directions. It is with the above allegations that the applicants have jointly filed this application.

2. Shri K.Sri Hari Rao took notice for respondents 1,2 and 4. We have perused the application and the annexures appended thereto and have heard Shri Harinarayanan, learned counsel of the applicants and Shri K.Sri Hari Rao, learned counsel for Respondents 1,2&4. We find that the applicants 1, 2 and 3 have no common cause of action. The grievances are independent and distinct and therefore, they are not entitled to join together in this application. The M.A. for joint application cannot be entertained. MA 238/2002 is therefore dismissed.

3. Considering the nature of the claim made in the application, we are of the view that it is so generic and non specific to be entertained. For instance a declaration that the entire action of the third respondent is vitiated by malafides and arbitrariness is an all embracing relief without any specific reference to any particular denial of service right or benefit to the applicants. The application is totally misconceived and therefore, cannot be entertained.

4. In the light of what is stated above, the application is rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 6th day of March, 2002


T.N.T. NAVAR
ADMINISTRATIVE MEMBER

(s)


A.V. HARIDASAN
VICE CHAIRMAN

APPENDIX

Applicants' Annexures:

1. A-1: True copy of the representation submitted by the 1st applicant before the 1st respondent.
2. A-2: True copy of the representation submitted by the 2nd applicant before the 1st respondent.
3. A-3: True copy of the representation submitted by the 3rd applicant before the 1st respondent.
4. A-4: True copy of the judgement dated 1.3.2001 in O.P.No.6959/2001.
5. A-5: True copy of the order dated 21.11.2001 issued by the 1st respondent to the 1st applicant.
6. A-6: True copy of the order dated 21.11.2001 issued by the 1st respondent to the 2nd applicant.
7. A-7: True copy of the order dated 21.11.2001 issued by the 1st respondent to the 3rd applicant.
8. A-8: True copy of the order dated 17.1.2001 issued by the 2nd respondent to the 1st applicant.

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