

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

O.A.No.373/09

Tuesday this the 9<sup>th</sup> day of February 2010

**C O R A M :**

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER  
HON'BLE Mr.K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

Aruna V.B.,  
W/o.T.A.Mohanan,  
Section Officer (Adhoc),  
Office of the Accountant General (A&E),  
Thiruvananthapuram.

...Applicant

(By Advocate Mr.Babu Joseph Kuruvathazha)

**V e r s u s**

1. Union of India represented by its Secretary,  
Government of India, Ministry of Finance,  
New Delhi.
2. Comptroller & Auditor General of India,  
10, Bahadur Shah Zafar Marg,  
New Delhi – 110 124.
3. Deputy Comptroller & Auditor General of India (P),  
10, Bahadur Shah Zafar Marg,  
New Delhi – 2.
4. Accountant General (A&E),  
Kerala, Thiruvananthapuram.

...Respondents

(By Advocate Mr.Sunil Jacob Jose,SCGSC[R1] & Mr.P.Nandakumar[R2-4])

This application having been heard on 9<sup>th</sup> February 2010 the Tribunal  
on the same day delivered the following :-

**ORDER**

**HON'BLE Mr.GEORGE PARACKEN, JUDICIAL MEMBER**

The applicant has filed this Original Application seeking the following

reliefs :-



.2.

1. To declare that the orders of minor penalties including 'reduction in time scale of pay' and the 'Dies Non' declared by the 4<sup>th</sup> respondent in Annexure A-1 order was in dire violation of the 'Settlement Agreement' and also against the principles of 'Natural Justice' against the applicant and quash the operation of Annexure A-1 order.

2. To expunge all adverse entries made in the Annual Confidential Report of the applicant.

3. To direct the respondents to restore the original 'seniority' of the applicant, for promotion/regularisation to the post of regular 'Section Officer' be 'restored' with retrospective effect, and the illegal promotions already granted to the juniors mentioned earlier as per the Order No.Admn V/6-12/Vd.XX dated 15.5.2008 issued by the 4<sup>th</sup> respondent, be cancelled.

4. To direct the respondents to include the name of the applicant in the appropriate slot in the promotion list and to grant promotion as regular Section Officer with retrospective effect from respective date of entitlement, as if Annexure A-1 order were not come into operation and not in force.

5. To direct the respondents not to subject the applicant to illegal transfer and other penal actions, on having approached this Hon'ble Tribunal with the above OA.

6. To grant such other relief which this Hon'ble Tribunal may deem fit, just and proper in the circumstances of the case and

7. To award the costs of the applicant.

2. The respondents in their reply submitted that in this OA the applicant had clubbed together three distinct and separate issues, viz. Disciplinary Action, Administrative Action declaring periods of unauthorised absence from duty as dies-non and recording of adverse entry in the CR and all those aspects have been carefully considered by the Appellate Authority who had made two separate orders with regard to the appeal, viz. one on imposition of penalty and the other on adverse remarks in CR.

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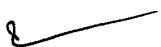
.3.

3. Out of the two orders passed by the Appellate Authority, the applicant has impugned only the Annexure A-7 order dated 7.1.2009 passed in appeal against the Disciplinary Authority's Annexure A-1 order of penalty dated 11.10.2007. However, the respondents along with their reply has filed a copy of the Annexure R-2 (c) order passed by the Appellate Authority dated 25.3.2009 in appeal against the Annexure A-5 order of the competent authority rejecting the applicant's representation against the adverse remarks recorded in her confidential report.

4. Ms.Resmi G Nair representing counsel for the respondents, Shri.P.Nandakumar, has submitted that this OA has to be rejected on the preliminary ground of non-compliance with Rule 10 of the Central Administrative Tribunal (Procedure) Rules, 1987 which reads as under :-

"10. Plural remedies. - 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. Shri.Sageer Ibrahim KI representing counsel for the applicant, Shri.Babu Joseph Kuruvathazha, has fairly submitted that in view of the above rule position, he would like to withdraw the OA and requested for liberty to file separate O.As in accordance with the prescribed procedure as laid down in Administrative Tribunals Act, 1985 read with Central Administrative Tribunal (Procedure) Rules, 1987.



.4.

6. In view of the above position, we dismiss this OA as withdrawn with liberty to the applicant to file separate O.As challenging the order of the Disciplinary Authority and Appellate Authority in the matter of disciplinary proceedings initiated against her as well as the order of the competent authority/Appellate Authority in rejecting her request for expunction of adverse remarks on confidential report. There shall be no order as to costs.

(Dated this the 9<sup>th</sup> day of February 2010)



**K. GEORGE JOSEPH**  
**ADMINISTRATIVE MEMBER**



**GEORGE PARACKEN**  
**JUDICIAL MEMBER**

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