

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH

Original Application No.503/2006
This the 19th day of March, 2009

HON'BLE MR. M. KANTHAIAH, MEMBER (J)

HON'BLE DR. A.K. MISHRA, MEMBER (A)

Shambhoo Nath Sharma, Aged about 48 years, S/o Sri Indrasen Sharma, R/o House No. 11/4, Labour Colony, Talkatora Road, Lucknow.

...Applicant.

By Advocate: None

Versus.

1. General Manager, N.R. Baroda House, New Delhi.
2. Sr. Dy. General manager, N.R. Baroda House, New Delhi.
3. Chief Works Manager, N.R. C&W Workshop, Alambagh, Lucknow.
4. Chief Works Manager, N.R. C&W Workshop Jagadhari Workshop, Jagadhari (Haryana).
5. Dy. Chief Mechanical Engineer C&W Workshop, Alambagh, Lucknow.
6. Sr. ED PM/Jagadhari Workshop, N.R., Jagadhari, District Yamuna Nagar, Haryana.
7. Union of India through its General Manager, N.R., Baroda House, New Delhi.

.... Respondents.

By Advocate: Sri N.K. Agarwal

O R D E R

By M. KANTHAIAH, MEMBER (J)

The applicant has filed this O.A. with a prayer to quash the impugned transfer order dated 21.12.2005 (Annexure A-1) passed by the respondents under which he has been transferred from C&W Workshop, Alambagh, Lucknow to Jagadhari Workshop and also to quash the chargesheet dated 25.8.2006 (Annexure A-2) issued by the respondent no.6 and to continue him on the post of Instructor, C&W Workshop, Alambagh, Lucknow and for other consequential benefits.

2. The respondents have filed preliminary objection on the ground that the applicant has

sought multiple relief{s}, which is not permissible under Rule 10{2} of CAT {Procedure} Rules, 1987 and thus, the O.A. is not maintainable.

3. Heard both sides.

4. Admittedly, the applicant has filed the O.A. challenging the impugned transfer order dated 21.12.2005 {Annexure A-1} under which he has been transferred from C&W Workshop, Alambagh, Lucknow to Jagadhari Workshop and another relief is for quashing the chargesheet dated 25.8.2006 {Annexure A-2} issued by the respondent no.6. The other relief{s} are consequential relief in respect of main relief nos. 1 and 2. The impugned order dated 21.12.2005 {Annexure A-1} issued by the respondent no.1 is in respect of transfer of the applicant, whereas chargesheet dated 25.8.2006 {Annexure A-2} it has been issued by respondent no.6 making certain charges against the applicant and both these relief{s} are different and distinct and further cause of action are also entirely different. The applicant is entitled to seek a number of relief{s} which is consequential to main relief. But in the instant case, both the main relief{s} are entirely different and distinct and hence this O.A. is not maintainable under Rule 10(2) of CAT {Procedure} Rules, 1987 where the plural relief{s} cannot be permitted. Thus, objection raised by the respondents is sustainable.

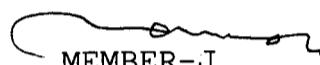
5. On 3.11.2006 the objection raised by the respondents was brought to the notice of this Tribunal. This Tribunal has recorded in respect of transfer covered under relief no.1 stating that it has become infructuous since the applicant has already joined at transferred place and in such circumstances, the applicant has no claim in respect of relief no.1 and thus, there remained only the relief no.2 in respect of the chargesheet.

~

6. In respect of the chargesheet dated 25.8.2006 {Annexure A-2}, admittedly, it has been issued by respondent no.6 i.e. Sr. ED PM/Jagadhari Workshop, N.R. Jagadhari, which is not within the jurisdiction of this Tribunal and as such this Tribunal has no jurisdiction to entertain the O.A. in respect of such relief of the applicant.

7. In view of the above, the O.A. is dismissed with liberty to the applicant to approach the Tribunal which is having jurisdiction in respect of impugned chargesheet dated 25.8.2006 issued by the respondent no.6. No costs.


GIRISH/- 19/03/09


MEMBER-J 19.03.09