

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 751/2000

Date of Decision : 15/ May 2001

A.Chakraworthy \_\_\_\_\_ Applicant

Shri U.Rudra \_\_\_\_\_ Advocate for the  
Applicant.

VERSUS

Union of India & Ors. \_\_\_\_\_ Respondents

Shri V.G.Palshikar \_\_\_\_\_ Advocate for the  
Respondents

CORAM :

The Hon'ble Shri S.L.Jain, Member (J)

The Hon'ble Smt. Shanta Shastry, Member (A)

(i) To be referred to the reporter or not ? Yes

(ii) Whether it needs to be circulated to other No  
Benches of the Tribunal ?

(iii) Library Yes

S.L.JAIN  
(S.L.JAIN)  
MEMBER (J)

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.751/2000

Dated this the 1<sup>st</sup> day of May 2001.

CORAM : Hon'ble Shri S.L.Jain, Member (J)

Hon'ble Smt.Shanta Shastry, Member (A)

Arunkumar Chakraworthy,  
U.D.C.,  
Forest Survey of India,  
Central Region,  
Seminary Hills,  
Nagpur.

...Applicant

By Advocate Shri U.Rudra

V/S.

1. Union of India  
through the Secretary,  
Ministry of Forest and  
Environment, New Delhi.

2. The Director,  
Forest Survey of India,  
Dehradun.

3. The Joint Director,  
Forest Survey of India,  
Central Zone,  
Seminary Hills,  
Nagpur.

4. T.S.K.Reddy, E.O.,  
Dy.Director,  
FSI (CR),  
Nagpur.

...Respondents

By Advocate Shri V.G.Palshikar

S:Yn -

..2/-

O R D E R

(Per : Shri S.L.Jain, Member (J))

This is an application under Section 19 of the Administrative Tribunals Act,1985 seeking the following reliefs:-

" (a) allow this original application,

(b) direct the respondents to supply the reply of the remaining six interrogatories and the proceedings made be quashed.

(c) Direct the respondents to pay the subsistence allowance at the rate of 75% with effect from 19.2.2000 together with penal interest.

(d) take action against the respondent No.3 for flouting the order of the Hon'ble Supreme Court.

(e) Any other order as deems with fit and proper be passed.

(f) costs of the application be saddled to the respondents as the order of the Hon'ble Supreme Court in the judgement dated 22.8.2000."

2. On perusal of para 1 of the OA., we find that OA. is against the order No.I-13/99(C/E/1385, Office Order No.325, dated 16.10.2000 (Annexure-I) which deals with representation of the applicant dated 26.9.2000 and observation of this Tribunal in OA.No.2130/2000. The OA. is filed on 20.10.2000. The applicant has preferred an appeal against the said order which was decided on 17.1.2001, i.e. after filing the OA.

J.Yml -

..3/-

3. On perusal of the OA., we find that the applicant has sought the interim relief to the effect that operation of the impugned order dated 16.10.2000 be stayed and a direction to increase the subsistence allowance to the extent of 75% as an interim relief. On 20.10.2000 an order was passed by the Bench which continued till today :-

" Hence it is ordered that subsistence allowance initially granted to Shri A.K.Chakraborty, UDC (under suspension) vide this office order No. 282 dated 26.11.1999 be reduced by 50% with immediate effect and the reduced rate of subsistence allowance be paid to him till further orders in this regard."

4. The respondents raised the objection regarding the maintainability of the OA, on the ground that the applicant has not availed the departmental remedies, the OA. suffers from the defect of multiple reliefs, on merits, suppression of material facts and abuse of process of the Tribunal.

5. We are in agreement with the learned counsel for the respondents that the applicant has challenged the order dated 16.10.2000 before exhausting the departmental remedies available to him. We are further in agreement with the learned counsel for the respondents that the reliefs sought in para 8 (b), (c) & (d) are not the reliefs based on one cause of action but they are based on more than one cause of action. Rule 10 of CAT (Procedure) Rules 1987 is as under :-

J. (g) / ..4/-

**"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."

On perusal of the same, we are of the considered opinion that the applicant is not entitled to raise a dispute in respect of more than one cause of action but he is certainly entitled to claim relief based on single cause of action claiming more than one relief if they are consequential to one another. The reliefs regarding a direction to supply the reply of remaining six interrogatories and quashing of the proceedings cannot be said to be the relief based on or in respect of order dated 16.10.2000. Further, a relief to take action against Respondent No. 3 for flouting the order of the Apex Court cannot also be said to be based on one and the same cause of action.

6. Thus, in our considered opinion the claim of the applicant is barred under Section 20 (1) of the Administrative Tribunals Act and it also suffers from multiplicity of the reliefs claimed based on different cause of action which is hit by Rule 10 of CAT (Procedure) Rules, 1987. In addition to it, it is suffice to state that <sup>a</sup> number of OAs, the applicant has preferred before this Tribunal, the details of which are not placed before the Tribunal and the attempt is to confuse the issue.

J.CM -

7. In the result, OA. deserves to be disposed of with liberty to the applicant to challenge the order dated 17.1.2001 in accordance with law, as even after passing of the said order, the OA<sub>2</sub> is not amended thereafter. A further liberty is granted to the applicant to seek reliefs as claimed in para 8 (b) & (d) if permitted by law by filing applications in accordance with Rule 10 of CAT (Procedure) Rules, 1987. This is a fit case where we think it necessary to award a cost to the respondents payable by the applicant amounting to Rs.650/- (Rs.500/- as Legal Practitioner's fee + Rs.150/- as other expenses). The amount to be paid within three months from the receipt of the copy of the order. Needless to say that if the applicant chooses to avail the remedies, he shall abide by the provisions contained in Administrative Tribunals Act regarding limitation. As OA. is being disposed of finally, there is no necessity to pass any order in respect of M.P.No.205/2001 and it also stands disposed of.

Shanta F

(SMT.SHANTA SHAstry)

MEMBER (A)

S.L.JAIN

(S.L.JAIN)

MEMBER (J)

mrj.