

CENTRAL ADMINISTRATIVE TRIBUNAL  
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO. : 764/2001

Date of Decision : 30.5.2002

Smt.S.G.P.Barnes Applicant

Advocate for the  
Applicant.

VERSUS

Union of India & Ors. Respondents

Shri V.S.Masurkar Advocate for the  
Respondents

CORAM :

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

- (i) To be referred to the reporter or not ? *No*
- (ii) Whether it needs to be circulated to other *No*.  
Benches of the Tribunal ?
- (iii) Library *No*

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

mrj.

CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH, MUMBAI

OA.NO.764/2001

Thursday this the 30th day of May, 2002.

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

Smt.S.G.P.Barnes,  
Section Supervisor Operating,  
St.No.43310,O/o Accounts Officer  
(T/R), ADR-II, 2nd Floor,  
Andheri Telephone Exchange Bldg.,  
MTNL, Mumbai.

...Applicant

By Advocate none.

vs.

1. Union of India through  
Chief General Manager,  
MTNL, 15th Floor, Telephone House,  
Prabhadevi, Dadar (W), Bombay.
2. The General Manager (Adm.),  
MTNL, 14th Floor, Telephone House,  
Prabhadevi, Dadar (W), Bombay.
3. The General Manager (Finance),  
MTNL, 14th Floor, Telephone House,  
Prabhadevi, Dadar, Bombay.
4. The General Manager (Vigilance),  
MTNL, 14th Floor, Telephone House,  
Prabhadevi, Dadar, Bombay.
5. The General Manager (Adm),  
O/o G.M.West-I, MTNL, LIC Extn.  
Bldg., 1st Floor, Santacruz (W),  
Mumbai.
6. The I.F.A., O/o G.M.West-I,  
1st Floor, MTNL, LIC Extn.Bldg.,  
Santacruz (W), Mumbai.
7. The Chief Accounts Officer (T/R),  
Gr.Floor, O/o G.M.West-I, LIC Extn.  
Bldg., Santacruz (W), Mumbai.
8. The Accounts Officer (T/R),  
2nd Floor, MTNL, Andheri Telephone  
Exchange Bldg., Andheri (W), Mumbai.

...Respondents

By Advocate Shri V.S.Masurkar

*S.L.Jain*

..2/-

O R D E R (ORAL)

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

This is an application under Section 19 of the Administrative Tribunals Act, 1985 seeking the relief as extracted below :-

"(a) That the Honourable court be pleased to declare that the order passed vide letter No.DGM/I.F.A./W-I/Staff/2001-02 dated 11/9 (2) Vide letter No.DGM/CAO (T/R)No.AOTR/ADRII/dated 4.10.2000 by the respondents No.6 & 7 to be set aside and or cancel.

(b) That the Hon'ble Tribunal Court be pleased to hold and declare that the respondents practising discrimination, inequality against the applicant by not giving her OTA/and Honourium etc and/or violating Articles 14 and 16 of the Constitution of India.

(c) That the applicant submit that she is entitled for OTA and/Honourium as per service rules and sanction and passed by her competent officer under service ruled may be granted since the Union Leaders like Shri Dilip Jadhav and Shri P.S.Kadam have been granted who are of same grade of the applicant. In view of the service Rules which falls under same cadre.

(d) That the Hon'ble Tribunal court be pleased to call or summon on record all papers and proceeding in respect of OTA and Honourium and work and work matter of Smt.SGP Barnes and as well as Shri P.S.Kadam and Shri Dilip Jadhav from ACTR-ADR-II and G.M. (Vigilance) for verification of her claims with competent authorities.

(e) That the Hon'ble Court be pleased to declare an order or direct the respondents to recover all the payment made to thess Union Leaders like salary, OTA, Incentive, Lunch allowance c/oo etc. which is paid from the Govt. treasury and consolidated fund of the Govt."

S.L.Jain

..3/-

2. The matter was heard in absence of counsel for applicant who was not available even on the repeated calls.

3. On perusal of the reliefs claimed in para 8 (d) and (e), I find that the applicant is seeking the relief regarding recovery of the payments made to the Union Leaders like salary, OTA, Incentive, Lunch Allowance in respect of payments made to Smt.SGP Barnes, Shri P.S.Kadam and Shri Dilip Jadhav who are not parties in the present OA.

4. On perusal of the reliefs claimed in Para 8 (a),(b) and (c), the applicant is claiming the relief for herself. The claims of the applicant relates to the year 1996 to 1999.

5. The reliefs claimed by the applicant in respect of herself and regarding recovery from the persons mentioned above are certainly more than one relief. Rule 10 of CAT (Procedure) Rules, 1987 is extracted below :-

"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, the applicant is entitled to claim reliefs based on one/single cause of action. The applicant has claimed relief based on multiple cause of action. As such, the OA. suffers from defects of multiple reliefs.

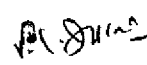
*P. J. S.*

..4/-

6. The learned counsel for the respondents pointed out that the applicant has worked under Shri K.N.Mishra. Shri J.N.Mishra had reported that the applicant has neither performed duty nor OTA claimed nor raised such question, as such, denial of OTA for the year 1996,1997 does not arise. The learned counsel for the respondents clarified that in fact letter at OA. page 67 was addressed to Shri J.N.Mishra and there was only a clerical error.

Thus, even on merits the applicant has no case.

7. OA. is dismissed. No order as to costs.

  
(S.L.JAIN)  
MEMBER (J)

mrj.

**CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH**

Review Petition No.60/2003 and MP Nos.838/2004,  
254/2005 and 255/2005 in OA No.764/2001.

**CORAM: HON'BLE SHRI S.G.DESHMUKH, MEMBER(J)**

Smt.S.G.P.Barnes,  
Designation: Section Supervisor Operating  
St No.43310 O/o.Account Officer(T/R),  
ADR-II, 2<sup>nd</sup> Floor, Andheri Telephone  
Exchange Bldg, MTNL,  
Mumbai - 400 058.

... Applicant

V/s.

Union of India and Others

... Respondents

By Advocate Shri V.S.Masurkar

**TRIBUNAL'S ORDER**

**19TH APRIL, 2005**

Applicant present in person. Shri V.S.Masurkar for the Respondents.

The applicant wanted to withdraw the Review Petition unconditionally. She requested to allow her to withdraw unconditionally. The learned counsel Shri Masurkar requested for the cost as he was required to contest the matter. As the applicant wanted to withdraw Review Petition the earlier MP Nos.838/2004, 254/2005, 255/2005, are disposed of. The applicant is allowed to withdraw the Review Petition.

Review Petition 60/2003 is disposed of as withdrawn. No order as to costs.

*Mhshimull*  
**(S.G.DESHMUKH)**  
**MEMBER(J)**

abp

No.CAT/MUM/JUDL/ 2891

Date : 13.6.2005

To

Registrar (Legal),  
High Court, Appellate Side,  
Bombay.

Subject : Letter dated 01.10.2004 received from Smt.S.G.P.  
Barnes, R/o. Mumbai.

Sir,

With reference to your letter No.Y.5301(i/05)873/2005 dated 19.5.2005 on the subject mentioned above, I am directed by the Hon'ble Vice Chairman of this Tribunal to submit the report as under in the matter:-

I am to state that Smt.S.G.P. Barnes has filed 2 Original Applications bearing No.764/2001 and 265/2002.

The Original Application No.764/2001 was filed aggrieved by denial of OTA for the year 1996 and 1997 by the M.T.N.L and the same was dismissed on merits vide order dated 30.5.2002. A Review Petition was filed by Smt.S.G.P. Barnes, against the said order, on 23.5.2003. For this M.P.No.254/2005 was filed for grant of orders to the applicant to file this suit in any Court as per order passed on 9.12.2004. Another M.P.No.255/2004 was also filed by Smt.S.G.P. Barnes in this Tribunal for grant of permission to withdraw the Review Petition. Smt.S.G.P. Barnes has also filed M.P.No.838/2004 praying for transfer of her case from this Tribunal to the High Court of Judicature at Bombay or allow her to withdraw and to file the case in the High Court of Judicature at Bombay. I am further to state that Review Petition No.60/2003 was withdrawn and accordingly disposed of vide order dated 19.4.2005. Similarly Misc. Petition Nos.838/2004, 254/2005 and 255/2005 are also disposed of by the said order.


Respatched on.....13/6/05

DESPATCHED

Recd on  
13/6/05  
J. J. J. J.  
Administrative Department  
High Court, Appellate Side  
Bombay 400 032

I am further to state that Smt.S.G.P. Barnes had filed another O.A.265/2002 for seeking concessional telephone facility to her. The said Original Application was dismissed by this Tribunal vide order dated 12.4.2002 for want of jurisdiction over M.T.N.L. Smt.S.G.P. Barnes thereafter filed a Review Petition dated 17.5.2002 against the said order. The said Review Petition was dismissed by this Tribunal vide order dated 16.7.2002 holding that Original Application is rightly dismissed for want of jurisdiction. A Misc. Petition was filed by Smt.S.G.P. Barnes thereafter in this Tribunal praying for restoration of Review Petition. The said Misc. Petition was dismissed by this Tribunal vide order dated 29.7.2004 as the same was found devoid of merits.

Yours faithfully,

  
( A.S. Swami )  
Registrar.

13-6-2005