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CENTRAL ADMINISTRATIVE TRIBUNAL
NEW BOMBAY BENCH
CIRCUIT AT NAGPUR

Stamp No. 735 of 1990 (OA 199/91)

Present : Hon'ble Mr. A.P.Bhattacharya, Judicial Member
Hon'ble Mr. P.S.Chaudhuri, Administrative Member

KISHOR D DESHPANDE

VS

UNION OF INDIA & ORS

For the applicant : In person

For the respondents: Mr. Ramesh Darda, counsel

Heard on : 22.3.91 : Order on : 22.3.91

ORDER

A.P.Bhattacharya, J.M.:

This application under section 19 of the Administrative Tribunals Act, 1985 has been filed by Shri K.D.Deshpande against the Union of India, represented by the Secretary, Ministry of Defence and three others.

2. It is the case of the applicant, as we understand from the pleadings made in the application, that he was a Chargeman-Gr.I in the Ordnance Factory at ^{Chanda} ~~Chandrapur~~. While he was posted there, he was permanently transferred to Ordnance Factory at Bhandara by an order issued on 14.9.89 (vide Annexure-A). By that order he was directed to be relieved of his duties at Chanda Ordnance factory in the afternoon of 15.9.89. It was further directed that on being relieved on that date, he would report for duty at the Ordnance factory at Bhandara on or before 25.9.89. The applicant has challenged that order as mala fide. According to him, many of his juniors had been retained at Chanda factory while he was

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singled out and sent to Bhandara factory out of grudge as he had, from time to time, in his capacity as the Secretary of the Non-gazetted Officers' Association, ~~had~~ pointed out some lapses and malpractices of the administration at Chanda factory. The applicant states that while passing the said order of transfer, the respondents were fully aware that he had applied for his voluntary retirement from Government service. It is the case of the applicant that he had to apply for voluntary retirement because of his old and aged parents and because of his wife, who had been suffering from Epilipsy. His prayer for voluntary retirement was subsequently granted by the concerned authority by issuing an order on 5.10.89. In filing this application, the applicant claims "as of right" employment of his son in the ordnance factory at Chanda. He has also claimed for treating the period from 25.9.89 to 31.1.90, which was spent by him at the ordnance factory at Bhandara, as on deputation and for payment of deputation allowance for the said period, house rent at normal rate till 10.5.90 and for refunding the amount recovered from him towards house rent at market rate, interest at the rate of 18% on the accumulated arrears of pay, a sum of One lakh as the compensation for the mental agony he has suffered and for Rs. 3000/- as the costs of filing this application.

3. The admission of the application has been opposed by the respondents.

4. On a consideration of the materials on record and the law on the point, we must say at the very outset that this application and the prayers made therein are wholly misconceived and as such they are not entertainable under the law. It is not in dispute that by an order issued by the competent authority on 14.9.89, the applicant was transferred from the ordnance factory at Chanda after his stay for a long period of 22 years

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there to the ordnance factory at Bhandara. In this application, he has challenged the said order of transfer on various grounds. As the applicant has not sought for any relief over the said order of transfer we are not called upon to decide whether the said order of transfer was mala fide or was passed in colourable exercise of powers. Naturally, therefore, we should concentrate ourselves to the prayers made by the applicant in this application.

5. First we take up his prayer with regard to employment of his son at ordnance factory at Chanda. It is not known to us under what rule or instruction issued by the Govt. of India, the applicant can claim employment of his son when he had taken voluntary retirement. Besides, it is not on record that ever he had made any such prayer to the concerned authority. That being the position, we are constrained to hold that this prayer is not at all tenable.

6. Now we take up his prayer for treating the period as mentioned in prayer No. 9(c) as on deputation and for payment of deputation allowance for that period. Admittedly, the applicant was released from his post at Chanda ordnance factory on 15.9.89, pursuant to the order shown in Annexure-A to the application. It is also admitted that in compliance with the said order, he joined the ordnance factory at Bhandara in the forenoon of 25.9.89. Now it is not understandable to us as to how and under what rule, transfer from one factory to another under the control of the same department can be treated as on deputation and how and on what basis deputation allowance can be claimed. We hold that this prayer of the applicant also is not entertainable.

7. The applicant's other prayer is for charging him house rent at normal rent till 10.5.90 and refund of the amount of

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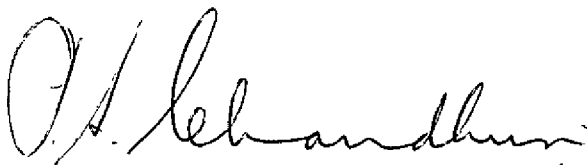
house rent recovered from him at market rate. In the application, the applicant has not given any particulars as to what is the basis of his such claim. That being the position, we cannot entertain this prayer.

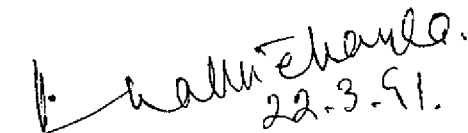
8. The applicant has also not given any particulars or basis of his claim for interest at the rate of 18% on the accumulated arrears of pay. So, this prayer should also fail.

9. As the applicant's main prayers are found to be untenable, his claim for costs of this litigation or compensatory costs of the claim of Rs. one lakh as compensation for his mental agony cannot be entertained under the law.

10. Before we part with this case, we must observe that the applicant's above-mentioned prayers are not based on the same cause of action nor are they consequential to one another. Such being the position, the application is held to be barred by rule 10 of the Central Administrative Tribunal(Procedure) Rules, 1987.

11. In view of the observations made above, we hold that this application is not at all fit for adjudication by this Tribunal and as such it shall fail. Accordingly, we dismiss this application summarily at the stage of admission itself.


(P.S. CHAUDHURI)
MEMBER (A)
22.3.91


(A.P. BHATTACHARYA)
MEMBER (J)
22.3.91