

**CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.675/2015

Friday, this the 28th day of July, 2017

CORAM: HON'BLE MS. B.BHAMATHI, MEMBER (A)

Mrs.Binu Sunil,
201, Nalanda,
RCP Employees CHS Ltd.,
Plot No.24/25, Sector 15,
Vashi,
Navi Mumbai-400703. **... Applicant.**
(By Advocate Ms.Manda Loke)

Versus.

1. Union of India through
The Secretary, Directorate of
Agricultural Research and Education
(DARE) & Director General
of Indian Council for Agricultural
Research (ICAR),
Krishi Bhavan,
New Delhi-110001.
2. The Additional Seretary
(DARE) & Secretary
(ICAR) Indian Council for Agricultural
Research,
Krishi Bhavan,
New Delhi-110001.
3. The Deputy Director General,
Division of Agricultural Engineering,
Krishi Anusandhan Bhavan,
New Delhi - 110012.
4. The Chairperson,
Women's Complaint Cell,
Indian Council of Agricultural Research
(ICAR), Central Institute for
Research on Cotton Technology
(CIRCOT), Adenwala Road,
Matunga,

Mumbai-400019.

5. Dr.P.G.Patil,
The Acting Director,
Indian Council of Agricultural
Research (ICAR), Central Institute for
Research on Cotton Technology
(CIRCOT), Adenwala Road,
Matunga,

Mumbai-400019.

...Respondents.

(By Advocate Shri M.S.Topkar)

Reserved on 27.07.2017.

Pronounced on 28.7.2017.

O R D E R

Per: -HON'BLE MS.B. BHAMATHI, MEMBER (A)

This OA has been filed by the applicant under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

"8.1 That this Hon'ble Tribunal be pleased to call for the record and proceedings from the respondents in respect of the Applicant's case and further after examining the same be please to direct the Respondents to consider positively the representation dtd. 9th November, 2015 as well as grievance letters dtd. 24.11.2015, 26.11.2015 written to the Respondents inter alia for granting Child Care Leave for a period w.e.f. 23.11.2015 to 09.05.2016 (169 days) to the Applicant;

8.2 That this Hon'ble Tribunal be pleased to order and issue appropriate directions to the Respondents to act strictly in accordance with DOPT O.M. dated 11.9.2008 as amended/clarified on 29.9.2008 and 18.11.2008 granting the Applicant CCL for the due period.

8.3 That this Hon'ble Tribunal be pleased to order and further directions to

the Respondent no.1 to 4 to initiate appropriate steps against the Respondent no.5 under CCS Rules and consider her grievance positively;

8.4 Pending the hearing and final disposal of the aforesaid Original Application, this Hon'ble Tribunal be pleased to order that the applicant be pleased to avail Child Care Leave for a period w.e.f. 23.11.2015 to 09.05.2016;

8.5 That pending the hearing and final disposal of the present Original Application, this Hon'ble Tribunal be pleased to direct the Respondents for not to pass or issue any adverse orders or directions against the Applicant;

8.6 Interim and ad-interim relief in terms of prayer cl.(8.4) and (8.5) be granted;

8.7 Cost of the application;

8.8 Any other relief as nature and circumstances this Hon'ble Tribunal may deem fit and proper".

2. Heard learned counsel for both the parties.

It is admitted by both the learned counsels that the prayer at paras 8.1, 8.2 and 8.4 have been granted to the applicant. The learned counsel for the applicant, however, seeks direction in respect of clause 8.3 for initiation of action under CCS Rules. She states that the applicant has suffered sexual harassment at the hands of respondents and hence a direction is required to be issued to initiate

action under CCS Rules to provide necessary protection to women at work place.

3. The prayer regarding initiation of action under CCS Rules cannot be mixed up with the relief prayed for regarding grant of CCL. The two reliefs are diverse. The admixture of reliefs require adjudication under separate Rules i.e. CCL and CCS Rules. The legality of the prayer for the Tribunal to issue direction to respondents to initiate action under CCS Rules (as per clause 8.3) will also have to be examined. But the same cannot be gone into, in the present O.A. Hence, this O.A. is not maintainable in respect of clause 8.3, even as prayers at 8.1, 8.2 and 8.4 have been granted to the satisfaction of applicant and O.A. has become infructuous in respect of the above three prayers i.e. 8.1, 8.2 and 8.4.

4. However, the applicant is granted liberty to file fresh O.A. in respect of her persisting grievance regarding allegation of sexual harassment and for initiation of action under CCS Rules as per clause 8.3.

5. Accordingly, O.A. is disposed of in terms of both the above directions.

(MS . B . BHAMATHI)
MEMBER (A)

B.