

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 876/2004
M.A. NO. 742/2004

New Delhi, this the 20th day of April, 2004

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI R.K. UPADHYAYA, MEMBER (A)

1. Rishi Pal No. 6404114
r/o House No. 137, Gali No. 2,
Ram Nagar
Kanker Khera, Meerut Cantt.
2. Madan Lal No. 6404120
r/o H. No. 172, Lal Kurti, Handiya
Mohalla, Meerut Cantt
3. Kedar Bhadur No. 640411
r/o 112, Ganga Nagar, Meerut
4. Dalchand No. 6404086
r/o 408, Kaligarhi Sector-9
Meerut.
5. OM Prakash No. 6404898
R/o 319, Pragati Nagar
Meerut.
6. Krishan Pal No. 6404116
R/o R.A. Topkahana,
Near Badi Masjid
7. Bhagwan Das No. 6404117
r/o 45/10 New Mandi
Kaseru Khera
Meerut City.
8. Beni Prasad No. 1004
r/o H. No. 136, Jawahar Puri
Kanker Khera, Meerut.
9. Sukhpal No. 1001
r/o Village Ghat
P.O. Panchli, Meerut
10. Vijay Kumar No. 1002
r/o H. No. 315, Nagla Battu,
Meerut Cantt.
11. Nagendra Tewari No. 6404124
r/o Marwari Mohalla, Kaseru Khera
Meerut Cantt.
12. Meherudeen No. 6404123
r/o Bhachola P.O. Maithana
13. Brahm Pal No. 6404119
r/o H. No. Badala Kathvadu P.O. Sisoli
Meerut.




14. Keshar Singh No.6404112
r/o H.No.120, Diggi Mohalla Kaseru Khera
Meerut.
 15. Anant Ram No.6404118
r/o H.No.115, Kaseru Khera, Meerut
 16. Bedu No.6406394
R/o Rohata Road, Khadauli Road
Meerut.
 17. Balbir No.6404125
r/o 118, Ashok Puri, Kanker Khera
Meerut.
 18. Basant Lal No.6404094
r/o H.No.Sadar Kabari Bazar
Meerut Cantt.
 19. Sanowar No.6404097
r/o H.No.202 Handiya Mohalla
Lal Kurti, Meerut Cantt.
 20. D.K.Kardam No.1003
r/o Village Gaza P.O.
Kazamabad Ghun
Meerut.
 21. Todi Singh No.6404115
r/o 214 Kaseru Khera, Meerut Cantt.
 22. Iqbal No.6404899
r/o Quayum Nagar, Bicholacolony Incholi
Meerut.
 23. Bhawan Chandra Pant No.6404126
r/o 91B, Sant Vihar, Meerut.
 24. Kunwar Singh Yadav P.No.6404096
s/o Shri Ganga Saran
R/o R.A.Bazar
Meerut Cantt.
- .. Applicants

(All applicants are serving under the respondent No.8
in Meerut)

(By Advocate: Shri V.P.S. Tyagi)

Versus

1. The Union of India (Through Secretary)
Ministry of Defence South Block, New Delhi
2. The Secretary
Department of Personnel & Training
New Delhi.
3. The Secretary Ministry of Finance
Department of Expenditure
New Delhi.

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4. The Secretary cum Financial Advisor
Ministry of Defence (Finance Division)
New Delhi.
 5. The Director General (Supply and Transport)
QMG's Branch AHQ DHQ P.O.
New Delhi.
 6. The Adjutant General
General Staff Branch (CIV)
AHQ DHQ P.O. New Delhi.
 7. The CGDA
West Block - V
R.K. Puram
New Delhi.
 8. The Commanding Officer
40, Supply Coy ASC, Type 'D'
Meerut Cantt. ... Respondents

O R D E R (Oral)

Justice V.S. Aggarwal:-

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M.A. is allowed subject to just exceptions.
Filing of the joint application is permitted.

O.A. 876/2004

By virtue of the present application, the
applicants assail the order of 17.3.2004. It reads:

"1. With reference to Order dated 10 Dec 2003 of CAT (PB), New Delhi in OA No.2931/2003, it is stated that the case has been considered in detail in accordance with the relevant rules, instructions and judicial pronouncement on the subject.

2. The matter regarding grant of ACP to the labourers of ASC was examined in consultation with Min. of Def & DOP & T, who have given the ruling that since labourers of ASC are not authorised on the PE/WE of the units, no case of acute stagnation can be made out in their case and as such, they are not eligible for grant of ACP.



3. A case for authorisation of labourers on PE/WE of the units is under active consideration of the Govt. The case for grant of ACP to the labourers will be taken up again after the labourers are authorised on the PE/WE of the units."

2. Perusal of the same clearly shows that a final decision in this regard has not been taken. The case of authorisation of persons like the applicants on P.E. i.e. the Peace Establishment and W.E. i.e. War Establishment is under active consideration.

3. Keeping in view the said fact, as for the present, the petition must be stated to be premature. Therefore, we dismiss it as such leaving it to the applicants to raise all legal and factual pleas available in law including one regarding which no opinion is being expressed, when a final order is passed.



(R.K. Upadhyaya)
Member (A)



(V.S. Aggarwal)
Chairman

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