

**CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.**

O.A. No. 340/2005, O.A. No. 341/2005
O.A. No. 342/2005 and O.A. No. 343/2005

DATE OF ORDER: 14.09.2006

CORAM

HON'BLE MR. J K KAUSHIK, JUDICIAL MEMBER.

HON'BLE MR. J.P. SHUKLA, ADMINISTRATIVE MEMBER.

(1) O.A.No. 340/2005

1. Gambhir Singh son of Shri Deep Singh, aged 43 years
2. Nathu Ram son of Shri Chhagana Ram, aged 44 years
3. Bhanwar Lal son of Shri Tiku Ram, aged 45 years
4. Padma Ram son of Shri Purkha Ram, aged 42 years.
5. Abdul Rehman son of Shri Noore Khan, aged 44 years.
6. Rugha Ram son of Shri Durga Ram, aged 46 years.

All applicants working on the post of Mazoor under Officer Commanding, 496 COY (ASC) Supply, Type A, c/o 56 APO

Address of all the applicant : C/o Shri Abdul Rehman, Near Railway Station, Pokaran, District Jaisalmer.

...Applicants.

(2) O.A.No. 341/2005

1. Bhanwar Singh son of Shri Megh Singh, aged 48 years.
2. Durg Singh son of Shri Sultan Singh, aged 49 years.
3. Magan Singh son of Shri Kan Singh, aged 45 years.
4. Hari Kishan son of Shri Kanhiya Lal, aged 44 years.
5. Tara Ram son of Shri Kana Ram, aged 43 years.

All applicants working on the post of Mazoor under Officer Commanding, 496 COY (ASC) Supply, Type A, c/o 56 APO

Address of all the applicants C/o Shri Tara Ram, Bada Bagh, Jaisalmer.

...Applicants.

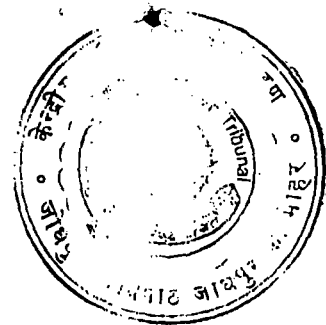
(3) O.A.No. 342/2005

1. Jalam Singh son of Shri Ram Singh, aged 44 years
2. Durga Ram son of Shri Ishwar Ram, aged 43 years
3. Loona Ram son of Shri Jodha Ram, aged 44 years
4. Mohan Singh son of Shri Bulidan Singh, aged 43 year
5. Ram Singh son of Shri Punj Raj Singh, aged 43 years
6. Gayad Ram son of Shri Baksa Ram, aged 45 years.

All applicants working on the post of Mazoor under Officer Commanding, 496 COY (ASC) Supply, Type A, c/o 56 APO

Address of all the applicants : c/o Shri Mohan Singh, Near Geeta Ashram, Jaisalmer.

...Applicants.



**COMPARED &
CHECKED**

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(4) O.A.No. 343/2005

1. Magh Singh son of Shri Sagat Singh, aged 43 years
2. Mangla Ram son of Shri Dhooda Ram, aged 48 years
3. Chand Singh son of Shri Ram Singh, aged 45 years
4. Arjun Ram son of Shri Mahesha Ram, aged 49 years
5. Abdul Khan son of Shri Haji Khan, aged 49 years

All applicants working on the post of Mazoor under Officer Commanding, 496 COY (ASC) Supply, Type A, c/o 56 APO

Address of all the applicants : c/o Shri Abdul Khan Kailash Tekari, Pokaran, District Jaisalmer.

...Applicants.

VERSUS

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Officer Commanding, 496, COY ASC, Type A c/o 56 APO.

...Respondents in all four OAs.

Mr. Vijay Mehta, counsel for applicants in all four OAs.
Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for the respondents in all four OAs.

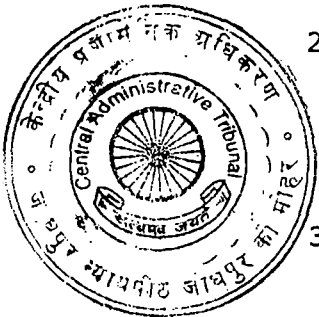
ORDER

(Per Hon'ble Mr. J K Kaushik, Judicial Member)

These are four Original Applications No. 340/2005, 341/2005, 342/2005 and 343/2005, wherein identical facts as well as a common question of law are involved. It is considered expedient to dispose of these matters through a common order.

2. We have heard learned counsel for the parties and have anxiously considered the pleadings as well as records of these cases.

3. The factual matrix of these cases are at a very narrow compass. All the applicants were granted the benefits under ACP Scheme by considering them as a regular government servant ever since their appointment on various dates. The benefits were granted in accordance with the ACP Scheme issued on 09.08.1999 from the various dates on completion of 12 years of regular service.



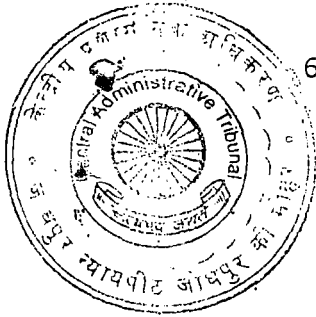
Subsequently, there was an audit objection regarding grant of the said benefits and a positive decision was taken to withdraw these benefits from the applicants and this necessitated filing of these Original Applications before this Bench of the Tribunal.

4. A high degree of wisdom seems to have prevailed in the minds of the respondents and they have now taken a wise decision vide letter dated 27th June 2006 and a copy of the same is directed to be placed on record. The contents of the same is reproduced as under:

"2. Industrial mazdoors of ASC units are regular government servants since the day of their appointment. They are, therefore, entitled for grant of ACP. However, in some units CDA had raised audit objections pointing out non inclusion of Industrial mazdoors in PE/WE. This requirement has now been met.

3. The above may be submitted before CAT, Jodhpur. ACP proposal for eligible displayers may also be processed expeditiously."

5. Learned counsel for the respondents has submitted that after treating all the applicants as regular government servants since their appointment in service, the question of reviewing the cases of grant of ACP benefits to them would not arise. In this view of the matter, the Original Applications has rendered infructuous. The learned counsel for the applicant feels contended.

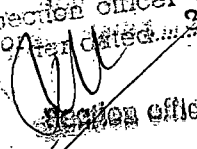


6. In view of what has been stated above the Original Applications No. 340/2005, 341/2005, 342/2005 and 343/2005 are hereby disposed of having become infructuous. The interim orders already granted stand merged in this order. However, the parties are directed to bear their own costs.

Sd/-
[J.P.SHUKLA]
MEMBER[A]

Sd/-
[J.K.KAUSHIK]
MEMBER[J]

[Signature]
By Registrar
J. A. T. JODHPUR

Part II and III destroyed
in my presence on 11/14/14
under the supervision of
section officer () as per
order dated 31/01/14

Section officer (Record)

R. C. G. R.
W. R.
R. G.