

ILS

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH; JODHPUR**

**Original Application Nos.134/2007
& Misc. application No.93/2007**

Date of decision: 13.07.2007

Hon'ble Mr. Kuldip Singh, Vice Chairman,

Hon'ble Mr. Tarsem Lal, Administrative Member.

1. Rewant Singh, S/o Shri Shiv Singh aged about 48 years resident of Ranisarwas, Bikaner, presently working on the post of Civil Motor Driver in the Office of Garrison Engineer, (North) Bikaner.
2. Ravi Mohammed, S/o shri Jeevan Khan aged about 38 years resident of Subjhashpura Near Shiv Temple, Bikaner Presently working on the post of Civil Motor Driver in the Office of C.W. E (Air Force) Bikaner.
3. Lakhan Lal, S/o Shri Sadhu Ram aged about 42 years, resident of Nal Badi, Bikaner, Presently working on the post of Civil Motor Driver in the office of the Garrison Engineer (Air Force), Nal.
4. Bhanwar Singh, s/o Shri Gopi Singh aged about 42 years, resident of Village and Post Nathusar Bikaner presently working on the post of Civil Motor Driver in the office of Garrison Engineer(Air Force) Nal.
5. Bhanwarlal, S/o Shri Govind Ram agecd 47 years resident of Nal Chhoti, Bikaner, presently working on the post of Civil Motor Driver in the office of Garrison Engineer (Air Force,) Nal.
6. Sunil Kumar, s/o Shri Yogendra Jha aged about 37 years resident of Virat Nagar, Udasar Road, Bikaner, presently working in the office of CWE(Air Force), Bikaner.
7. Rameswar, S/o shri Sohan Singh aged about 58 years resident of Rajpurohiton Ka Mohalla, Indira Colony, Bikaner, presently working on the post of Civil Motor Driver in the office of CWE (Air Force), Bikaner.
8. Sumer Singh, S/o Shri Badri Singh aged 64 years, resident of Nal Badi Bikaner, Ex. Civil Driver from the office of Garrison Engineer (Air Force) Nal.
9. Raj Kumar, S/o Shri Hans Raj aged about 36 years, Sujan Desar Hanuman Mandir Ke pass, Bikaner, presently working on the post of Chief Motor Driver in the office of Garrison Engineer (Air Force) Nal.

: applicants.

Rep. By Mr. S.K. Malik, : Counsel for the applicant.s

Versus

1. Union of India through the Secretary, Ministry of Defence, Raksha Bhawan, New Delhi.

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2. The Director General Army Headquarters, Engineer-in Chief Branch, Kashmiri House, DHQ PO New Delhi. 11
3. The Chief Engineer Headquarter Western Command, Chandi Mandir.
4. The Commander Works Engineer (Air Force), Bikaner.

: Respondents.

ORDER

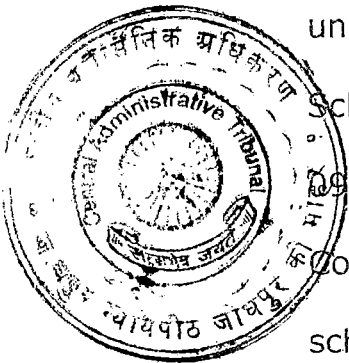
Per Mr. Kuldip Singh, Vice Chairman.

9 applicants have filed this O.A seeking the following reliefs:

- (i) By an appropriate writ, order or direction applicants' may kindly be permitted to file a joint applicant.
- (ii) By an appropriate writ, order or direction respondents' may be directed to implement the policy for ACP Scheme annex at Annex. A/1 and further, respondents may be directed to extend the benefit of two financial upgradations on completion of 12 and 24 years of service w.e.f. the date when the same becomes due to the applicants and further direct the respondents to make payment of arrears of Pay and Allowances along with interest at the rate of 12% p.a.
- (iii) Exemplary cost be imposed on the respondents for causing undue harassment to the applicants.
- (iv) Any other relief(s) which is just and proper in the facts and circumstances of the case, be passed in favour of the applicants in the interest of justice.

2. The applicants say that they are similarly placed persons. They are seeking same relief and the cause of action is also the same. Hence they are entitled to file this joint application.

3. Heard the learned counsel for the applicants and perused the papers. Since the applicants are working as Civilian Motor Drivers under the respondents and they are claiming the benefit of ACP Scheme introduced by the Government of India vide OM dated 09.08.99, on the basis of the recommendations of Vth Pay Commission. As they applicants have not been extended the ACP scheme by the authorities, they made representations to the authorities and the same were not answered by the authorities till date. In the grounds the applicants have stated that all of them



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have completed more than 12 years from the date of their initial appointment and hence they should be extended the benefit of ACP Scheme. Since the respondents have not extended the benefit of ACP Scheme to the applicants, their action is violative Art. 14 and 16 of the Constitution of India.

4. As their representations for granting the benefits of ACP have not been disposed of, we are of the view that the interest of justice would be met if the authorities are directed to dispose of the same within a stipulated period.

5. The applicants have also filed M.A. No. 93/2007, for condoning the delay, if any, in filing the O.A. Since the grant of pay is continuous one, we hold that there is no delay in filing this O.A. Accordingly M.A. No. 93/2007, for condoning the delay in filing the present O.A. is treated as unnecessary. MA No. 93/2007 is disposed of accordingly.

6. In view of the above, the respondents are directed to dispose of the representations submitted by the applicants by a speaking order within a period of three months from the date of receipt of a copy of this order. O.A. is disposed of as above.

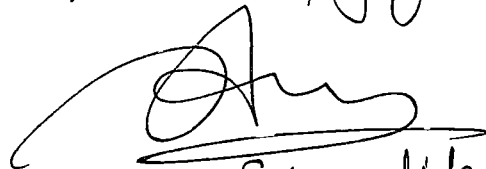


Tarsem Lal
(Tarsem Lal)
Administrative Member

Kuldip Singh
(Kuldip Singh)
Vice Chairman.

Jsv

Rec copy folder.



S. K. Mahila

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NO. 149 to 152.

DT: 09.8.9