

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH AT JODHPUR

ORIGINAL APPLICATION NO. 249/2010

Dated this the 20th day of January, 2011

CORAM:

**HON'BLE MR. JUSTICE S.M.M. ALAM, JUDICIAL MEMBER
HON'BLE MR. SUDHIR KUMAR, ADMINISTRATIVE MEMBER**

Bhanwar Singh son of Shri Ghanshyam Singh,
aged 53 years,
Electrician HS-II
in the office of the Garrison Engineer, Army,
Jaisalmer, R/o MES Colony, Jaisalmer.

...Applicant.

Mr. Vijay Mehta, counsel for applicant.

VERSUS

1. Union of India through the Secretary,
Ministry of Defence, Raksha Bhawan, New Delhi.
2. Commander Works Engineer, Army,
MES, Jodhpur.
3. Garrison Engineer, Army, MES,
Jaisalmer.

... Respondents.

Mr. M. Godara, proxy counsel for
Mr. Vinit Mathur, counsel for respondents.

ORDER (Oral)
Per Hon'ble Mr. Justice S.M.M. Alam, Member (J)

It has been submitted by the learned advocate of the respondents that in view of the reply submitted by the respondents, this Original Application is not maintainable because of the fact that the respondents had already taken up the matter for granting the ACP to the applicant and the respondents have intention to implement the same. The learned advocate appearing for the respondents submitted that there is no specific order of denial of the ACP to the applicant, as such the applicant had no cause of action to file this Original Application, and, therefore, this Original Application should be dismissed.

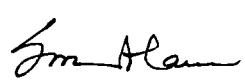
2. The contention of the learned advocate of the applicant is that the order for grant of ACP was passed by the respondents as long back as on 28.02.2009 and the applicant was one of the beneficiaries. The applicant waited for implementation of this order for a considerable long time and when no further order was passed and when the order was not implemented, he has come to this Tribunal for issuing direction to the respondents to implement the order. He submitted that the applicant has come before this Tribunal with clean hands and had no malafide intention.

3. We are satisfied that the applicant has no malafide intention, and, therefore, we do not accept the submission of respondent's lawyer to award cost and noted that it is not a case in which the cost should be awarded against the applicant. However, we are of the view that in view of the specific averment made in the reply that the respondents have every intention to implement the order, we are of the view that this Original Application deserves to be disposed of at the admission stage itself. Accordingly, this Original Application stands disposed of at the admission stage itself in view of the specific pleading of the respondents that they intend to implement the order granting ACP to the applicant and others. However, we express our desire that the respondents shall abide by their commitments as per their written statement / reply, and implement the said order within a reasonable time preferably within a period of six months from the date of receipt of a copy of this order, failing which the applicant shall be at liberty to take further appropriate recourse in the matter. In the circumstances of the case there shall be no order as to costs.

Dated the 20th day of January, 2011



(SUDHIR KUMAR)
ADMINISTRATIVE MEMBER



(JUSTICE S.M.M. ALAM)
JUDICIAL MEMBER

दिनांक २१/४/११ के आदेशानुसार
मैत्री उपस्थिति वेदानंक २/६/११
को व्याख्या-II वा III विषय में गए।

अनुग्रह अधिकारी
सेन्ट्रीय भ्राता सार्विक अधिकारण
जोधपुर न्यायपीट, जोधपुर