

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH,**  
**JABALPUR**

**Original Application No. 679 of 2004**

Indore, this the 18<sup>th</sup> day of October 2005

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Judicial Member

Gyan Prakash ..... Applicant

(By Advocate – None)

**Versus**

Union of India & 8 others. .... Respondents

(By Advocate – Shri P. Shankaran)

**ORDER**

**By Madan Mohan, Judicial Member -**

By filing this Original Application the applicant has claimed the following main relief :

“to conduct trial under Section 19(3) of the Administrative Tribunal Act for the above complaint on supply of substandard weapons during Kargil War and successive failure of Weapons supplied to Army under article 323-A of the Constitution of India.”

2. The brief facts of the case as stated by the applicant are that on 10.7.1999 the applicant had made a complaint through proper channel for an enquiry on supply of substandard weapons during Kargil War. On 20.7.1999 the Hon'ble President of India, ordered an enquiry into his aforesaid complaint. The Defence Secretary asked the DGOF and the General Manager, OFPM to offer comments on the applicant's complaint. On 2<sup>nd</sup> September, 1999 the GM, OFPM asked his explanation and all officers entered into a conspiracy to block the enquiry ordered by the Hon'ble President of India. The Ministry of Defence has not sent any communication to the applicant till date, even after the reminders duly



acknowledged. The GM/OFPD and DGOF kept the applicant under illegal detention from July 1999 to December, 2001. On 14.3.2001 the applicant had given reminder through proper channel with the copy of the earlier letters. The respondents did not take any action. Hence, this Original Application is filed.

3. None is present for the applicant. Since it is an old case of 2004 we proceed to dispose of this Original Application by invoking the provisions of Rule 15 of CAT (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. It is argued on behalf of the respondents that the matter raised by the applicant in the present OA mostly pertains to public interest for which he had already filed numerous Writ Petitions in the Hon'ble High Court which all have already been dismissed. The allegations made by the applicant are frivolous. The entire pleadings in the Original Application reveal that the applicant has not raised or challenged any action of the respondents which exclusively dealt with any service matter as contemplated under Section 15 of the Administrative Tribunals Act. He further argued that the applicant has not challenged any particular order in his reliefs. Hence, this Original Application deserves to be dismissed.

5. After hearing the learned counsel for the respondents and on careful perusal of the pleadings and records, we find that the argument advanced on behalf of the respondents that the matter raised by the applicant in this Original Application relates to the public interest i.e. about manufacture and supply of arms and ammunition to the Armed Forces who are pursuing the safety and security of the citizens. This matter does not relate to the service matter. We perused the copy of the judgment of the Hon'ble High Court passed in WP No. 4000/2002. The WP was dismissed with the following observations :

"7. In view of the aforesaid, we can only say that this is an ambitious petition which has been filed to prejudice the scenario,



which the petitioner imagines to exist. We have no hesitation in saying that the present Public Interest Litigation is nothing but an abuse of the same. The petitioner would be well advised to abstain from doing this kind of things. One does not enter into the vendetta because he was once an employee of the organization and has been compulsorily retired. He should remember it is not an ordinary organization but controlled by the Defence. Not for nothing, it is said when people fight at the border, civilians sleep. It has also been said that at the time of peace, the young bury the old and at the time of war, the old bury the young. We can only say, let the tranquility of the Defence be not disturbed by the disgruntled persons like the petitioner who describes himself and assert that he fights litigation as pro bono publico. Ordinarily, we would have dismissed the petition with exemplary cost but keeping in view the totality of situation and the personal agony that has been suffered by the petitioner, we refrain from doing so."

6. Considering all the facts and circumstances of the case, we are of the considered view that this Original Application has no merit and is liable to be dismissed. Accordingly, the same is dismissed. No costs.

7. The Registry is directed to enclose a copy of memo of parties alongwith this order and also supply the copy of the memo of parties to the concerned parties while issuing the certified copies of this order.

(Madan Mohan)  
Judicial Member

(M.P. Singh)  
Vice Chairman

"SA"

पृष्ठान्त सं ओ/न्या.....जबलपुर, दि.....

प तिलिपि अवे रित :-

- (1) सचिव, उच्च न्यायालय उच्च न्यायालय, जबलपुर
- (2) आदेशक श्री/श्रीमती/शु.....के काउंसल
- (3) प्रत्यक्षी श्री/श्रीमती/शु.....के काउंसल
- (4) कथपाल, को.प्र.अ., जबलपुर न्यायापीठ  
सूचना एवं आवश्यक कार्यवाही हेतु  
उप सचिव

Gyanprakash Self  
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P. Shan Korum  
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