

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

ORDER SHEET

ORDERS OF THE TRIBUNAL

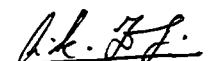
6.12.2007

OA 469/2006

Mr.P.N.Jatti, counsel for applicant.
Ms.Kavita Bhati and Mr.Kunal Rawat, counsel for
respondents.

Heard the learned counsel for the parties.
The OA stands disposed of by a separate order..


(T.J.P. SHUKLA)
MEMBER (A)


(A.K.YOG)
MEMBER (J)

vk

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH, JAIPUR.

Jaipur, the 06th day of December, 2007

ORIGINAL APPLICATION NO.469/2006

CORAM :

HON'BLE MR.JUSTICE A.K.YOG, JUDICIAL MEMBER
HON'BLE MR.J.P.SHUKLA, ADMINISTRATIVE MEMBER

D.K.Shrivastava,
Data Entry Operator Grade-B,
Office of Directorate of Census,
6B, Jhalana Doongri,
Jaipur.

... Applicant

(By Advocate : Shri P.N.Jatti)

Versus

1. Union of India through Registrar General to the Department of Census, Ministry of Home Affairs, 2A Man Singh Road, New Delhi.
2. Director, Directorate of Census Operation, Government of India, 6B, Jhalana Doongri, Jaipur.

... Respondents

(By Advocate : Ms.Kavita Bhati, proxy counsel for Shri Kunal Rawat)

ORDER (ORAL)

PER HON'BLE MR.JUSTICE A.K.YOG

Heard learned counsel for the parties. ^{Am}

Am.

2. Learned counsel for the applicant submits that grievance raised in this petition is regarding extension of benefit/privilege under certain ACP Scheme.

3. The applicant claims to have filed representation. Photo-stat copy of the said representation dated 18.5.2006 as Ann.A/2 is available on record. Learned counsel for the applicant submits that the said representation has been rejected by means of order dated 21.6.2006/Ann.A/1 to the OA. In this OA, applicant seeks to challenge the same.

4. We have gone through the impugned order but we do not find that the representation of the applicant has been rejected. As such, or even if we treat it as the rejection of the case of the applicant, said order does not disclose as to on what ground the applicant could not be considered for grant of benefit under ACP Scheme, as claimed by him. The said impugned order merely recites that his claim under ACP Scheme shall be considered as per eligibility at the relevant time in future.

5. The parties have exchanged pleadings by filing counter-affidavit and rejoinder-affidavit. Perusal of the pleadings of the parties show dispute on factual aspects and indicate that the 'lis', therefore, require adjudication of facts. For efficacious decision - one has to take into account terms and conditions of the relevant ACP Scheme, as well as eligibility of the applicant to seek benefit under the said scheme. This exercise can be effectively carried out by the Respondent authorities who are in possession of relevant service record and rules/regulations dealing with the matter.

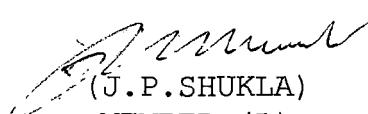
6. In view of the observations made above, we are of the opinion that this matter can be expeditiously considered and appropriately decided if the Respondent/concerned competent authority is directed

(JW)

to consider claim of the applicant under ACP Scheme in question.

7. Consequently, we direct the applicant to file a certified copy of this order alongwith complete copy of this OA No.469/2006 (with all annexure) and also additional representation (with additional documents), if so advised, within four weeks from today before concerned competent authority/Respondent No.2, who shall decide the representation/s, exercising unfettered discretion on the basis of relevant rules/relevant scheme/s/service-record, etc., in accordance with law, within two months of receipt of certified copy of this order (as stipulated above).

8. The OA is allowed by molding the relief to the extent indicated above. No costs.


(J.P.SHUKLA)
MEMBER (A)


(A.K.YOG)
MEMBER (J)

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