

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.2458 of 2014

This the 6th day of November, 2015

HON'BLE MR. V.AJAY KUMAR, MEMBER (J)
HON'BLE MR. SHEKHAR AGARWAL, MEMBER (A)

1. Jawahar Singh, aged – 52 yeears,
S/o late Sh. Surju
Working as MT Driver in the Office of INS India,
Dalhousie Road, New Delhi-110011
R/o 22-A, Sector-4, D.I.Z. Area,
Gole Market, New Delhi-110001.
2. Ram Kishore, Aged – 63 years,
S/o late Sh. Ganga Ram,
Retired from the post of MT Driver in the Office of INS
India,
Dalhousie Road, New Delhi-110011
R/o H. No.1813/31, Gali No.10, Surat Nagar,
Phase-I, Gurgaon (Haryana).
3. Ashish Kumar Dutta, aged - 63 years,
S/o late Shri R.K. Dutta,
Retired from the post of MT Driver,
From the Office of INS India, Dalhousie Road,
New Delhi-110011
R/o 1639, Sec.-37, Noida.
4. Chand Ram, Aged – 63 years,
S/o late Sh. Moti Ram,
Retired from the post of MT Driver,
From the Office of INS India, Dalhousie Road,
New Delhi-110011.
R/o H.No.173, Shri Krisana Colony, Drishna Road,
Shiv Mandir Nagafgarh, New Delhi.

... Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Union of India through the Secretary,
Ministry of Defence, Govt. of India, New Delhi
2. The Chief of the Naval Staff,
Integrated Headquarters,
Ministry of Defence, (Navy), New Delhi.
3. The Flag Officer Commanding-in-Chief,
Headquarters, Western Naval Command,
Shahid Bhagat Singh Road, Mumbai-400001.

4. The Director,
Directorate of Logistics Support,
Integrated Headquarters, Ministry of Defence (Navy),
'C' Singh, Sena Bhawan, New Delhi.

... Respondents

(By Advocate : Shri H.K. Gangwani for R-4, none for other respondents)

ORDER (ORAL)

MR. V. AJAY KUMAR, MEMBER (J) :

The applicants, who were originally appointed on casual basis and later got regularized as MT Drivers under the fourth respondent, filed the present OA seeking the following reliefs:-

- “(i) That the Hon’ble Tribunal may graciously be pleased to pass an order declaring to the effect that the applicants are entitled to have the benefit of ACP/MACP Scheme, counting their services w.e.f. the date of their initial engagement with all the consequential benefits, i.e., fixation of pay with arrears of difference of pay and allowances with revision of retirement benefits in case of applicant No.2 to 4 with interest, by extending the benefit of judgment passed by Hon’ble Tribunal vide judgment dated 29.11.2006 in OA No.420/2006 and judgment dated 10.8.2007 decided by Principal Bench in OA No.2129/2006, upheld by Delhi High Court vide order dt. 5.2.2009, and judgment dated 04.10.2012 in OA No.3935/2011 in the cases of similarly situated persons.
- (ii) That the Hon’ble Tribunal may graciously be pleased to pass an order directing the respondents to treat the applicants as regular employee from the date of their initial regularization for the purpose of granting the benefits of ACP/MACP scheme, as done in the cases of similar situated persons, who are working along with the applicant in the department.
- (iii) Any other relief which the Hon’ble Tribunal deem fit and proper may also be granted to the applicants along with the costs of litigation.”

2. When this matter was taken up for hearing, learned counsel for the applicants submitted that the applicants would be satisfied if the respondents are directed to consider the Annexure A/1 (Legal Notice dated 9.6.2014) and pass appropriate speaking and reasoned order thereon by duly keeping in view the decision in OA 3935/2011 – ***Surender Kumar-I and others vs. Union of India and others*** dated 4.10.2012 of this Tribunal within the fixed time frame.

3. Accordingly, in the circumstances, in view of the submission made by the learned counsel for the applicants, OA is disposed of without going into the merit, by directing the respondent No.4 to consider Annexure A/1 (Legal Notice dated 9.6.2014) keeping in view the decision in OA 3935/2011 – ***Surender Kumar-I and others vs. Union of India and others*** dated 4.10.2012 of this Tribunal and pass appropriate reasoned and speaking order within 90 days from the date of receipt of certified copy of this Order.

4. Let copy of the OA be enclosed to this Order.

(SHEKHAR AGARWAL)
MEMBER (A)

(V. AJAY KUMAR)
MEMBER (J)

/ravi/