

69

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.931/2002

New Delhi this the 7th day of April, 2005

Hon'ble Shri Shanker Raju, Member (J)

1. Mukesh Prakash Sharma
S/o late Shri Ram Chander,
Working as Radio Telephone Operator
In Delhi Fire Service.
2. Shri Jai Pal Singh,
S/o Shri Juglal,
Working as S.O.,
In Delhi Fire Service.
3. Shri Dharam Pal,
S/o Shri Ram Phal Sharma,
Working as A.D.O. No. 868,
In Delhi Fire Service.
4. Shri Jaidev,
S/o Shri Surat Singh,
Working as Fireman/Driver No.16/55,
In Delhi Fire Service.
5. Shri Ramesh Kumar,
S/o Shri Goverdhan,
Working as Fireman No.77/52,
In Delhi Fire Service.
6. Shri Bijender Singh,
S/o Shri Tale Ram,
Working as Fireman No. 109/53,
In Delhi Fire Service.

40

7. Shri Mehar Singh,
S/o Shri Badle Ram,
Working as Fireman No.790
in Delhi Fire Service.
8. Shri Vedpal Singh,
S/o Shri Sube Singh
Working as Fireman No.945,
in Delhi Fire Service.
9. Shri Onkar Singh,
S/o Shri Zile Singh,
Working as Fireman No.27/47,
in Delhi Fire Service.
10. Shri Dalel Singh,
S/o Shri Madu Singh
Working as Fireman No.788
in Delhi Fire Service.
11. Shri Rajbir Singh,
S/o Shri Deep Chand,
Working as Fireman No.37/47
in Delhi Fire Service.
12. Shri Sunil Kumar,
S/o Shri Lal Singh,
Working as Fireman No.74/52
in Delhi Fire Service.
13. Shri Satbir Singh,
S/o Shri Chatar Singh,
Working as Fireman No.60/52
in Delhi Fire Service.
14. Shri Suresh Kumar,
S/o Shri Swarup Chand,
Working as Fireman No.126/52
in Delhi Fire Service.
15. Shri Vinesh Kumar,
S/o Shri Bhart Singh,
Working as Fireman No.58/53
in Delhi Fire Service.

16. Shri Rajesh Kumar,
S/o Shri Bohat Ram,
Working as Fireman No.78/50
in Delhi Fire Service.
17. Shri Ramphal Singh,
S/o Shri Khajan Singh,
Working as Fireman No.128/52
in Delhi Fire Service.
18. Shri Satish Kumar,
S/o Shri Jai Narayan,
Working as Fireman No.16/50
in Delhi Fire Service.
19. Shri Mehar Singh,
S/o Shri Daljeet Singh,
Working as Fireman No.889
in Delhi Fire Service.
20. Shri Suresh Kumar,
S/o Shri Hoshiar Singh,
Working as Fireman No.39/53
in Delhi Fire Service.
21. Shri Satish Kumar,
S/o Shri Kéhar Singh
Working as Fireman No.46/53
in Delhi Fire Service.
22. Shri Giyugi Narayan Rai,
S/o Shri Vishwanath Rai,
Working as Fireman No.12/50
in Delhi Fire Service.
23. Shri Vijaypal,
S/o Shri Lal Singh,
Working as Fireman No.13/50
in Delhi Fire Service.
24. Shri Surajmal
S/o Shri Maman Singh
Working as Fireman No.26/43
in Delhi Fire Service.

25. Shri Ravinder Singh,
S/o Shri Zile Singh,
Working as Fireman No.6/47
in Delhi Fire Service.
26. Shri Himmat Singh,
S/o Shri Sucha Singh,
Working as Fireman No.71/56
in Delhi Fire Service.
27. Shri Ashok Kumar,
S/o Shri Chand Singh,
Working as Fireman No.73/56
in Delhi Fire Service.
28. Sunil Kumar
S/o Shri Hargyan Singh
Working as Fireman No.2/57
in Delhi Fire Service.
29. Shri Gaje Singh
S/o Shri Ami Lal
Working as Fireman No.188/56
in Delhi Fire Service.
30. Shri Rajender Singh,
S/o Shri Dariyav Singh
Working as Fireman No.114/52
in Delhi Fire Service.
31. Shri Ranvir Singh
S/o Shri Hari Chand
Working as Fireman No.159/56
in Delhi Fire Service.
32. Shri Prem Kumar,
S/o Shri Ram Kishan,
Working as Fireman No.192/56
in Delhi Fire Service.

33. Shri Jagvir
Working as Fireman No.53/53
in Delhi Fire Service.
34. Shri Ved Prakash,
S/o Shri Meer Singh,
Working as Fireman No.946
in Delhi Fire Service.
35. Shri Jai Bhan,
S/o Shri Umrao Singh
Working as Fireman No.3/45
in Delhi Fire Service.
36. Shri Raj Singh,
S/o Shri Ramphal Singh,
Working as Fireman No.29/52
in Delhi Fire Service.
37. Shri Jagvir Singh
S/o Shri Hoshiar Singh
Working as Fireman No.796
in Delhi Fire Service.
38. Shri Rajender Kumar
S/o Shri Ram Chandra
Working as Fireman No.87
in Delhi Fire Service.
39. Shri Subhash Chander
S/o Shri Kanwal Singh,
Working as Fireman No.928
in Delhi Fire Service.
40. Shri Jai Bir Singh,
S/o Shri Laxmi Chand,
Working as Fireman No.923
in Delhi Fire Service.
41. Shri Suraj Prakash,
S/o Shri Amar Datt,
Working as Fireman No.50
in Delhi Fire Service.

42. Shri Ranir Singh,
S/o Shri Veyahar Singh,
Working as Fireman No.78
in Delhi Fire Service.
43. Shri Dharamvir Singh,
S/o Shri Baleram,
Working as Fireman No.159
in Delhi Fire Service.
44. Shri Jai Prakash
S/o Shri Chander Singh,
Working as Fireman No.693
in Delhi Fire Service.
45. Shri Satya Narayan,
S/o Shri Dalip Singh,
Working as Fireman No.747
in Delhi Fire Service.
46. Shri Ratan Singh,
S/o Shri Kishan Singh,
Working as Fireman No.851
in Delhi Fire Service.
47. Shri Tara Chand,
S/o Shri Daya Chand
Working as Fireman No.877
in Delhi Fire Service.
48. Shri Devi Singh,
S/o Shri Chicha Singh,
Working as Fireman No.887
in Delhi Fire Service.
49. Shri Satvir Singh,
S/o Shri Rameshwar Dass,
Working as Fireman No.926
in Delhi Fire Service.
50. Shri Anand Singh,
S/o Shri Pyare Lal
Working as Fireman No.952
in Delhi Fire Service.

51. Shri Ramehs Chand,
S/o Shri Hatthi Ram,
Working as Fireman No.4/45
in Delhi Fire Service.
52. Shri Ved Pal,
S/o Shri Chander Bhan,
Working as Fireman No.9/45
in Delhi Fire Service.
53. Shri Kartar Singh,
S/o Shri Suraj Bhan,
Working as Fireman No.42/50
in Delhi Fire Service.
54. Shri Ajmer Singh,
S/o Shri Balvir Singh,
Working as Fireman No.80/50,
in Delhi Fire Service.
55. Shri Phool Kumar,
S/o Shri Risal Singh,
Working as Fireman No.34/52
in Delhi Fire Service.
56. Shri Karam Singh,
S/o Shri Gyani Ram,
Working as Fireman No.41/52
in Delhi Fire Service.
57. Shri Raj Kapoor,
S/o Shri Gajraj Singh,
Working as Fireman No.42/53
in Delhi Fire Service.
58. Shri Virender Singh
S/o Shri Brahmanand Verma,
Working as Fireman No.50/53
in Delhi Fire Service.
59. Shri Chanderpal,
S/o Shri Ramman Singh,
Working as Fireman No.69/53
in Delhi Fire Service.

60. Shri Ram Niwas
S/o Shri Suraj Bhan,
Working as Fireman No.87/53,
in Delhi Fire Service.
61. Shri Om Prakash,
S/o Shri Daulat Singh,
Working as Fireman 'B' No.735
in Delhi Fire Service.
62. Shri Kunwar Singh,
S/o Shri Umrao Singh,
Working as Fireman No.192
in Delhi Fire Service.
63. Shri Mahesh Kumar,
S/o Shri Deep Chand,
Working as Fireman No.903
in Delhi Fire Service.
64. Shri Jagphool Singh,
S/o Shri Munsi Ram,
Working as Fireman No.908
in Delhi Fire Service.
65. Shri Rohtash Singh,
S/o Shri Natthu Ram,
Working as Fireman No.937
in Delhi Fire Service.
66. Shri Rambir Singh,
Shri Sube Singh
Working as Fireman No.885
in Delhi Fire Service.
67. Shri Bholu Ram,
S/o Shri Kartara Ram,
Working as Fireman No.10/44
in Delhi Fire Service.
68. Shri Anirudra Sharma,
S/o Shri Ram Rishi
Working as Fireman No.50/50
in Delhi Fire Service.

69. Shri Ram Singh,
S/o Shri Daya Chand
Working as Fireman No.794
in Delhi Fire Service.
70. Rajender Singh
S/o Shri Banwari Lal
Working as Fireman No.472
in Delhi Fire Service.
71. Shri Tara Chand
S/o Shri Shyoram
Working as Fireman No.873
in Delhi Fire Service.
72. Shri Laxman Singh
S/o Shri Pritvi Singh
Working as Fireman No.533
in Delhi Fire Service.
73. Shri Raj Singh
S/o Shri Dharampal Singh
Working as Fireman No.5/53
in Delhi Fire Service.
74. Bijender Singh
S/o Shri Randhir Singh
Working as Fireman No.5/53
in Delhi Fire Service.
75. Ravinder Singh
S/o Shri Prabhu Dayal
Working as Fireman No.12/53,
in Delhi Fire Service.
76. Shri Rajesh Mudgal,
S/o Shri Goverdhan Mudgal,
Working as Fireman No.138/52
in Delhi Fire Service.
77. Shri Praveen Kumar,
S/o Shri Sahab Singh
Working as Fireman No.53/50
in Delhi Fire Service.

78. Shri Ram Avtar,
S/o Shri Ram Kumar
Working as Fireman No.58/52
in Delhi Fire Service.
79. Shri Subhash Chand
S/o Shri Raj Kumar
Working as Fireman No.109/52
in Delhi Fire Service.
80. Shri Hari Om,
S/o Shri Bhoop Singh
Working as Fireman No.101/53
in Delhi Fire Service.
81. Shri Narendra Singh,
S/o Shri Ajit Singh
Working as Fireman No.80/52,
in Delhi Fire Service.
82. Shri Ran Singh
S/o Shri Baldev Singh
Working as Fireman No.801
in Delhi Fire Service.
83. Shri Ranvir Singh
S/o Shri Kartat Singh
Working as Fireman No.1/43,
in Delhi Fire Service.
84. Shri Jai Prakash,
S/o Shri Sohan Lal
Working as Fireman No.558,
in Delhi Fire Service.
85. Shri Azad Singh,
S/o Shri Balwant Singh
Working as Fireman No.954
in Delhi Fire Service.
86. Shri Balwan Singh
S/o Shri Budh Ram,
Working as Fireman No.799,
in Delhi Fire Service.

87. Shri Balwan Singh,
S/o Shri Dhir Singh,
Working as Fireman No.941
in Delhi Fire Service.
88. Shri Muniram,
S/o Shri Ratiram,
Working as Leading Fireman No.798
in Delhi Fire Service.
89. Shri Harnam Dass,
S/o Shri Bhagwan Dass
Working as Leading Fireman No.380
in Delhi Fire Service.
90. Shri Vidya Sagar,
S/o Shri Nihal Singh
Working as Leading Fireman No.649
in Delhi Fire Service.
91. Shri Kapur Singh,
S/o Shri Banwari Lal
Working as Leading Fireman No.791
in Delhi Fire Service.
92. Shri Ram Avtar,
S/o Late Shri Daya Ram
Working as Leading Fireman No.440
in Delhi Fire Service.
93. Shri Ram Kishan
S/o Shri Sukhvir Siongh
Working as Leading Fireman No.543
in Delhi Fire Service.
94. Shri Raghuvir Singh
S/o Shri Phool Singh
Working as Leading Fireman No.538
in Delhi Fire Service.
95. Shri Sukhvir Singh
S/o Shri Pyare Lal
Working as Leading Fireman No.617
in Delhi Fire Service.

96. Shri Vijay Singh
S/o Shri Ram Chand
Working as Leading Fireman No.631
in Delhi Fire Service.
97. Shri Mahavir Prasad,
S/o Shri Ratan Singh
Working as Leading Fireman No.646,
in Delhi Fire Service.
98. Shri Ashok Kumar,
S/o Shri Jai Bhagwan,
Working as Leading Fireman No.46/52,
in Delhi Fire Service.
99. Shri Hans Raj,
S/o Shri Shankar Dutt,
Working as Leading Fireman No.720
in Delhi Fire Service.
100. Shri Bharat Singh
S/o Shri Surjan Singh,
Working as Leading Fireman No.614
in Delhi Fire Service.
101. Shri Diwan Singh
S/o Shri Mohlar Singh
Working as Leading Fireman No.540
in Delhi Fire Service.
102. Ishwar Singh
S/o Shri Harke Ram
Working as Leading Fireman No.700
in Delhi Fire Service.
103. Shri Raj Kumar
S/o Shri Tek Ram
Working as Leading Fireman No.36
in Delhi Fire Service.
104. Shri Narender Singh,
S/o Shri Rishal Singh
Working as Leading Fireman No.869,
in Delhi Fire Service.

105. Shri Naresh Kumar,
S/o Shri Surat Singh
Working as Driver No.33/49
in Delhi Fire Service.

106. Shri Vinod Kumar
S/o Shri Mool Chand
Working as Driver No.18/48,
in Delhi Fire Service.

107. Shri Satish
S/o Shri Jeet Singh
Working as Driver No.5/48,
in Delhi Fire Service.

108. Shri Bhagwan,
S/o Shri Jaikaran,
Working as Driver No.8/48,
in Delhi Fire Service.

109. Shri Ram Singh,
S/o Shri Sher Singh
Working as Driver No.12/45
in Delhi Fire Service.

110. Shri Basant Lal
S/o Shri Rambhaj,
Working as Driver No.50/55,
in Delhi Fire Service.

111. Shri Randhir Singh,
S/o Shri Hoshiar Singh
Working as Driver No.918
in Delhi Fire Service.

112. Shri Joginder Singh
S/o Shri Dalip Singh
Working as Driver No.18/43
in Delhi Fire Service.

113. Shri Mahender Prasad,
S/o Shri Mukhyand Prasad,
Working as Driver No.815
in Delhi Fire Service.

114. Shri Rajdev Saini,
S/o Shri Narpat Singh
Working as Driver No.596
in Delhi Fire Service.
115. Shri Preet Pal Singh
S/o Shri Bacchan Singh,
Working as Driver No.98
in Delhi Fire Service.
116. Shri Om Prakash,
S/o Shri Chandgi Ram,
Working as Driver No.673,
in Delhi Fire Service.
117. Shri Rajender Singh,
S/o Shri Juglal,
Working as Driver No.922
in Delhi Fire Service.
118. Shri Naresh Kumar
S/o Shri Pratap Singh
Working as Driver No.21/55
in Delhi Fire Service.
119. Shri Ajit Singh
S/o Shri Kehar singh
Working as Driver No.6/46
in Delhi Fire Service.
120. Shri Baljeet Singh
S/o Shri Mahender Singh
Working as Driver No.27/55,
in Delhi Fire Service.
121. Shri Sultan Singh
S/o Shri Dayal Ram
Working as Driver No.1/45
in Delhi Fire Service.
122. Shri Anand Singh
S/o Shri Rishal Singh
Working as Driver No.22/49
in Delhi Fire Service.

123. Shri Harish Chand
S/o Shri Hari Lal
Working as Driver No.748
in Delhi Fire Service.

124. Shri Ajad Singh
S/o Shri Ballu Ram
Working as S.O. No.591
in Delhi Fire Service.

125. Shri Kanwal Singh
S/o Shri Niyadar Singh
Working as S.O. No.554
in Delhi Fire Service.

126. Shri Rajbir Singh,
S/o Shri Bhondu Ram,
Working as S.O. No.169,
in Delhi Fire Service.

127. Shri Zile Singh
S/o Shri Jage Ram,
Working as S.O.
in Delhi Fire Service.

128. Suresh Kumar Bhardwaj,
S/o Late Shri S.K. Bhardwaj,
Working as Radio Telephone Operator
in Delhi Fire Service.

129. Shri S.S. Rawat,
S/o Late Shri Sangram Singh,
Working as Radio Telephone Operator
in Delhi Fire Service.

130. Shri K.K. Sharma,
S/o Shri O.C. Sharma,
Working as Radio Telephone Operator
in Delhi Fire Service.

131. Shri K.C. Gupta,
Working as Radio Telephone Operator
in Delhi Fire Service.

132. Shri V.P. Sharma
S/o Late Shri O.P. Sharma,
Working as Radio Telephone Operator
in Delhi Fire Service.

..Applicants.

VERSUS

1. Union of India,
Through Secretary,
Ministry of Finance,
Department of Expenditure,
North Block, New Delhi.
2. Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
3. Chief Secretary,
Govt. of NCT of Delhi,
Delhi Secretariat
I.G. Stadium, I.P. Estate,
New Delhi-110 002.
4. Principal Secretary (Home)
Govt. of NCT of Delhi,
Delhi Secretariat
I.G. Stadium, I.P. Estate,
New Delhi-110 002.
5. Chief Fire Officer,
Delhi Fire Service
Fire Service Headquarters,
Connaught Circus,
New Delhi-110 001.
6. Shri R.C. Sharma,
Working as Chief Fire Officer
in Delhi Fire Service.
7. Shri Surinder Kumar,
Working as Deputy Chief Fire Officer-I
in Delhi Fire Service.

8. Shri A.K. Sharma
Working as Deputy Chief Fire Officer-II
in Delhi Fire Service.
9. Shri G.C. Mishra,
Working as Deputy Chief Fire Officer-III
in Delhi Fire Service.
10. Santokh Singh
Working as Divisional Officer
in Delhi Fire Service.
11. Shri Atul Garg
Working as Divisional Officer
in Delhi Fire Service.
12. Radhya Shyam
Working as Divisional Officer
in Delhi Fire Service.
13. Shri S.M. Rishi
Working as Assistant Divisional Officer
in Delhi Fire Service.
14. Shri V. Bahadur
Working as Assistant Divisional Officer
in Delhi Fire Service.
15. Shri Hari Kishan
Working as Assistant Divisional Officer
in Delhi Fire Service.
16. Shri A.K. Bhatnagar
Working as Assistant Divisional Officer
in Delhi Fire Service.
17. Shri Vipin Kental
Working as Assistant Divisional Officer
in Delhi Fire Service.

18. Shri Rajesh Panwar
Working as Assistant Divisional Officer
in Delhi Fire Service.
19. Shri Dal Singh
Working as Assistant Divisional Officer
in Delhi Fire Service.
20. Shri S.S. Tuli
Working as Assistant Divisional Officer
in Delhi Fire Service.
21. Shri Virender Singh
Working as Assistant Divisional Officer
in Delhi Fire Service.
22. Shri Ajab Singh
Working as Assistant Divisional Officer
in Delhi Fire Service.
23. Shri Shyam Lal
Working as Assistant Divisional Officer
in Delhi Fire Service.
24. Shri Than Singh
Working as Assistant Divisional Officer
in Delhi Fire Service.
25. Shri H.L. Aneja
Working as Assistant Divisional Officer
in Delhi Fire Service.
26. Shri Dharamvir
Working as Assistant Divisional Officer
in Delhi Fire Service.
27. Shri R.K. Dahiya
Working as Station Officer
in Delhi Fire Service.

28. Shri Gurmukh Singh
Working as Station Officer
in Delhi Fire Service.
29. Shri Kanwar Singh
Working as Station Officer
in Delhi Fire Service.
30. Shri A.K. Jaiswal
Working as Station Officer
in Delhi Fire Service.
31. Shri M.K. Chatopadhai
Working as Station Officer
in Delhi Fire Service.
32. Shri Rajinder Atwal
Working as Station Officer
in Delhi Fire Service.
33. Shri N.P. Sharma
Working as Station Officer
in Delhi Fire Service..
34. Shri V. Bahadur
Working as Station Officer
in Delhi Fire Service.
35. Shri S.P. Bhardwaj
Working as Station Officer
in Delhi Fire Service.
36. Shri S.K. Dua
Working as Station Officer
in Delhi Fire Service.
37. Shri Vedpal
Working as Station Officer
in Delhi Fire Service.

38. Shri P.S. Dahiya
Working as Station Officer
in Delhi Fire Service.
39. Shri Suresh Kumar
Working as Station Officer
in Delhi Fire Service.
40. Shri Sardar Singh
Working as Station Officer
in Delhi Fire Service.
41. Shri Manoj Kuamr
Working as Station Officer
in Delhi Fire Service.
42. Shri D.B. Mukherjee
Working as Station Officer
in Delhi Fire Service.
43. Shri Sanjay Tomar
Working as Station Officer
in Delhi Fire Service.
44. Shri Hari Dass
Working as Sub-Officer
in Delhi Fire Service.
45. Shri A.S. Nandal
Working as Sub-Officer
in Delhi Fire Service.
46. Shri Rajbir Kharab
Working as Sub-Officer
in Delhi Fire Service.
47. Shri Dev Rishi
Working as Sub-Officer
in Delhi Fire Service.

48. Shri R.S. Tomar
Working as Sub-Officer
in Delhi Fire Service.
49. Shri Sunder Lal
Working as Sub-Officer
in Delhi Fire Service.
50. Shri Balraj Khoker
Working as Sub-Officer
in Delhi Fire Service.
51. Shri Raj Singh
Working as Sub-Officer
in Delhi Fire Service.
52. Shri Raj Singh
Working as Leading Fireman/243
in Delhi Fire Service.
53. Shri Rameshwar Dayal
Working as Leading Fireman/592
in Delhi Fire Service.
54. Shri Ashok Kumar
Working as Leading Fireman/461
in Delhi Fire Service.
55. Shri Brij Bhushan
Working as Leading Fireman/739
in Delhi Fire Service.
56. Shri Murari Lal
Working as Leading Fireman/383
in Delhi Fire Service.
57. Shri Hari Chand
Working as Leading Fireman/374
in Delhi Fire Service.

58. Shri Rattan Lal
Working as Leading Fireman/129
in Delhi Fire Service.
59. Shri Than Singh
Working as Leading Fireman/48
in Delhi Fire Service.
60. Shri Khem Chand
Working as Leading Fireman/283
in Delhi Fire Service.
61. Shri Udey Bir
Working as Leading Fireman/758
in Delhi Fire Service.
62. Shri Mahipal
Working as Leading Fireman/603
in Delhi Fire Service.
63. Shri Sunder Kumar
Working as Leading Fireman/80
in Delhi Fire Service.
64. Shri Naresh Kumar
Working as Leading Fireman/435
in Delhi Fire Service.
65. Shri Sehdev
Working as Leading Fireman/652
in Delhi Fire Service.
66. Shri Surender Kumar
Working as Leading Fireman/913
in Delhi Fire Service.
67. Shri Karnel Singh
Working as Leading Fireman-27/43
in Delhi Fire Service.

68. Shri Om Prakash
Working as Driver/49
in Delhi Fire Service.
69. Shri Gurnpal
Working as Driver/670
in Delhi Fire Service.
70. Shri Jagdish
Working as Driver/814
in Delhi Fire Service.
71. Shri Kesher Singh
Working as Driver/816
in Delhi Fire Service.
72. Shri Mahimanand
Working as Driver/818
in Delhi Fire Service.
73. Shri Dev Bahadur
Working as Driver/812
in Delhi Fire Service.
74. Shri Raj Kishan
Working as Driver-2/46
in Delhi Fire Service.
75. Shri Jai Singh
Working as Driver/254
in Delhi Fire Service.
76. Shri Raj Kumar
Working as Driver-17/48
in Delhi Fire Service.
77. Shri Dharamvir
Working as Driver/831
in Delhi Fire Service.

78. Shri Divan Singh
Working as Driver/2
in Delhi Fire Service.
79. Shri Gopal
Working as Radio Telephone Operator
in Delhi Fire Service.
80. Shri Virdner Singh
Working as Radio Telephone Operator
in Delhi Fire Service.
81. Shri Pawan Singh
Working as Fire Man/86
in Delhi Fire Service.
82. Shri Krishan Pal
Working as Fire Man/905
in Delhi Fire Service.
83. Shri Vikram Pal
Working as Fire Man/849
in Delhi Fire Service.
84. Shri Bal kishan
Working as Fire Man/861
in Delhi Fire Service.
85. Shri Raj Singh.
Working as Fire Man/866
in Delhi Fire Service.
86. Shri Sukhbir Singh
Working as Fire Man/773
in Delhi Fire Service.
87. Shri Rajinder Kumar
Working as Fire Man/942
in Delhi Fire Service.

88. Shri Mohinder Singh
Working as Fire Man/857
In Delhi Fire Service.
89. Shri Surinder Singh
Working as Fire Man-2/44
In Delhi Fire Service.
90. Shri Ramesh Rana
Working as Fire Man-21/50
In Delhi Fire Service.

Service of all respondents Nos. 6 to 90 is
Effected at respondent No.5
Chief Fire Officer, Delhi Fire Service,
Fire Service Headquarters,
Connaught Circus, New Delhi.

- Respondents

(By Advocate: Shri Arun Bhardwaj, for applicants
Shri R.N. Singh, Shri Om Prakash and
Mrs. Sumedha Sharma, for respondents)

ORDER (Oral)

Applicants are employees of Delhi Fire Service, which had earlier been a part of Municipal Corporation of Delhi, was taken over under Government of NCT of Delhi in 1984, claim 10% additional HRA in lieu of rent free accommodation.

2. Learned counsel for applicants states that an award was passed by the Labour Court on 12.10.93 allowing 10% of additional HRA to the various categories staff under Fire Service and this award was also passed in LCA No.36/88 by the Court of Presiding Officer Labour Court on 22.11.93. In pursuance thereof, staff employees have been paid 10% HRA and are still getting the same as this award has not been assailed in appeal before the higher forum has attained finality.

3. In view of the above, Shri Arun Bhardwaj states that denial of HRA to the applicants is discriminatory, violative of Articles 14 & 16 of the Constitution of India. Learned counsel stated that OM dated 21.12.99 issued by Department of Finance also announced grant of compensation in lieu of rent free accommodation.

4. On the other hand Shri R.N. Singh respondents 1 & 2 vehemently opposed the contentions and stated that an order passed on 8.2.2002 grant of 10% additional HRA to the operational staff of Delhi Fire Service has not been agreed to by the Government as the incumbents do not fulfill the condition as laid down in OM dated 2.8.60.

5. Referring to the above OM it is stated that once a special allowance is admissible to the applicants and paid the same, the additional HRA is not admissible.

6. Shri Singh states that award by the Labour Court is without consideration of OM of 1960. Government of NCT has denied the additional HRA only on the basis of the decision of the Government as stated by the learned counsel.

7. On careful consideration of the rival contentions of the parties and though negative equality has no place under Article 14 of the Constitution of India as in the matter of meeting out treatment of similarly placed invidious discrimination to the principles of equality as held by the Constitution Bench of the Apex Court in D.S. Nakara Vs. Union of India 1983 SCC (L&S) 145.

8. It is equally settled by the Apex Court in State of Haryana Vs. Ram Kumar 2002 (9) SCC 703 and in Anil Ratan Sarkar Vs. State of West Bengal 2001 (5) SCC 327, an administrative order cannot infiltrate the arena covered by judicial orders.

9. As the instructions of 1960 though in existence, there is a deemed presumption of having been cited before the Labour Court and such an award of additional HRA has been made admissible to operational staff of Delhi Fire Service and on attainment of finality has been implemented with the result similarly circumstanced few of the operational staff is still getting the additional

HRA yet depriving the applicants. It would amount to creating a class within the class, without any intelligible differentia and reasonable nexus with the objects sought to be achieved. This is an infraction to the doctrine of the principles enshrined under Article-14 of the Constitution of India while rejecting the request of the applicants. The aforesaid has not been taken into consideration.

10. In the result, OA stands disposed of with a direction to the respondents, particularly No. 1 &2, i.e., Ministry of Finance and Ministry of Home Affairs to re-examine the matter in the light of the observation made above and take a decision within three months from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member (J)

cc.