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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA No.931/2002

New Delhi this the 7<sup>th</sup> 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.

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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.

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- 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 Kehar 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.

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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.

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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 Narender 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.

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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 Narpal 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.



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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.

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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.

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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.

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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.

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68. Shri Om Prakash  
Working as Driver/49  
in Delhi Fire Service.
69. Shri Gurpal  
Working as Driver/670  
in Delhi Fire Service.
70. Shri Jagdish  
Working as Driver/814  
in Delhi Fire Service.
71. Shri Keshar 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  
Effectuated 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

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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.