

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/920/2019

Hyderabad, this the 10th day of January, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

1. O. Hemanth, S/o. Rajaiah,
Aged 33 years, Fireman – D, SH 14978,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q. No. C20, DOS Colony,
Sullurpeta.
2. M.V. Sivas Prasad, S/o. Pamulu,
Aged about 38 years, Fireman – C, SH 14987,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. No. 347, PHC-1, Sriharikota.
3. N. Sreekanth, S/o. Vijaya Kumar,
Aged about 28 years, Fireman – C, SH 15252,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 219, PHC-1, Sriharikota.
4. B. Rajesh, S/o. Subramanyam, Aged 32 years,
Fireman – C, SH 15319,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 214, PHC-1, Sriharikota.
5. T.V. Siva Kumar, S/o. Surya Prakash Rao,
Aged 32 years, LFM-A (Adhoc), SH 14988,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 173, PHC-1, Sriharikota.
6. K. Srikanth, S/o. Ravi Kumar,
Aged 32 years, Fireman C, SH15031,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 211, PHC-1, Sriharikota.



7. J. Syamala Rao, S/o. Guru Naidu,
Aged 38 years, Fireman C, SH 14992,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 286, PHC-1, Sriharikota.
8. K. Sukumar, S/o. Ramanaiah,
Aged 37 years, Fireman-D, SH 14891,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 178, PHC-1, Sriharikota.
9. S. Sasi Kumar, S/o. Mastanaiah,
Aged 37 years, Fireman-C, SH 14959,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 343, PHC-1, Sriharikota.
10. G. Subramanyam, S/o. Ramamurthy,
Aged 32 years, Fireman-C, SH 15041,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 197, PHC-1, Sriharikota.
11. R. Bhaskar Reddy, S/o. Malakonda Reddy,
Aged 31 years, DCO-C, SH 14861,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 206, PHC-1, Sriharikota.
12. P. Bhaskar, S/o. Venkateswarlu,
Aged 34 years, Fireman-D, SH 14962,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 126, PHC-1, Sriharikota.
13. S. Hari Krishna, S/o. Jaya Ramaiah,
Aged 32 years, LFM-A, SH 14840,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 216, PHC-1, Sriharikota.
14. Ch. Sateesh, S/o. Jyothi Kumar
Aged 34 years, Fireman-C, SH 14960,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 207, PHC-1, Sriharikota.
15. K. Sivakanth, S/o. Ravi Kumar,
Aged 31 years, Fireman-C, SH 15429,
SDSC SHAR FIRE SERVICES, SDSC SHAR,

Srihari Kota, Nellore District,
R/o. Q.No. 282, PHC-1, Sriharikota.

16. B. Gopi Reddy, S/o. Ramaiah,
Aged 36 years, Fireman-C, SH 15071,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 185, PHC-1, Sriharikota.



17. K. Jayabhushanam, S/o. Naga Bhusanam,
Aged 33 years, Fireman-C, SH 14958,
SDSC SHAR FIRE SERVICES, SDSC SHAR,
Srihari Kota, Nellore District,
R/o. Q.No. 245, PHC-1, Sriharikota.

... Applicants

(By Advocate Mr. G. Srinivasula Reddy)

Vs.

1. Union of India,
Rep. by its Director,
Satish Dhavan Space Research Centre,
SHAR, Sriharikota, SPSR Nellore District.
2. The Controller,
Satish Dhavan Space Research Centre,
SHAR, Sriharikota, SPSR Nellore District.
3. The Head Personal & General Administration-I,
Satish Dhavan Space Research Centre,
SHAR, Sriharikota, SPSR Nellore District.
4. The Head Personal & General Administration-II,
Satish Dhavan Space Research Centre,
SHAR, Sriharikota, SPSR Nellore District.

... Respondents

(By Advocates: Mr. T. Sambasiva Rao, proxy counsel for
Mr. V. Vinod Kumar, Sr. CGSC)

ORDER (ORAL)
{As per B.V. Sudhakar, Member (Admn.)}

2. The OA is filed for rejecting the request of the applicants to take the joining date in the organisation as the criteria to send fire service personnel for training to the Sub Officers course.



3. Brief facts are that the applicants working as Fireman –C/D, Driver cum Pump Operator (DCO-C), and Leading Fireman (LFM) in the respondents organisation, claim that they are eligible to undergo Sub Officer's course as per the date of joining the organisation. This method was followed up to 2012. Undergoing the Sub Officer's course, as per O.M. dated 11.8.2015 issued by the Dept. of Space, will facilitate one year relaxation in residency period to secure promotion to the next higher grade in the defined hierarchy. Recently, respondents have changed the method by deputing Fire Service Personnel to the Sub Officers course based on eligible seniority. Applicant's Association represented and as a result impugned letter dated 13.3.2019 was issued by the respondents wherein the formula of 1:1 was devised by preparing 2 separate lists, one based on length of service and the other on eligible seniority. Fire Personnel were decided to be sponsored to the Sub Officer's course in the ratio of 1:1 from both the lists. Applicants approached this Tribunal by filing OA 541/2019 challenging the change, which was dismissed directing the applicants to follow the relevant rules/ procedures of the respondents organisation for relief before approaching the Tribunal. Accordingly, applicants represented on 14.6.2019 to consider joining date as the criteria to depute for the Sub

Officer's course but it was rejected on 26.7.2019. Aggrieved, the OA has been filed.

4. The contentions of the applicants are that as per rules issued by the Ministry of Home, the eligibility criteria for Sub Officer's course is 2 years regular service in Fireman/ Leading Fireman/ Driver cum Pump Operator.



Therefore, the length of service from the date of joining the Department has to be reckoned in deputing fire personnel for the said training. Instead of following this policy, respondents sending personnel for the Sub Officer's course based on eligible seniority would stifle the chances of training to the personnel in the fireman and Leading fireman cadre and thereby delay their promotions. Before introduction of the new policy, respondents have not called for any objections from the personnel concerned. The Driver cum Pump Operators have been given undue advantage by the new policy. The action of the respondents is also against the instructions of the Min. of Home and the minutes of the meeting of the 66th RC-JCM held on 13.6.2017.

5. Respondents have confirmed that in 2011 fire service personnel were send to sub officer's course based on the date of joining the organisation. However, since the Post of Driver Cum Operator is vacancy based, fire personnel were not sent for training in the later years due to lack of vacancies. However, in the respondents organisation promotion of fire personnel are governed by two schemes namely Limited flexible complimentary scheme (LFCS) wherein promotions are effected to the next higher grade in the defined hierarchy after the required residency period is completed and clearing the interview, irrespective of the

availability of the vacancies in the next higher grade. The other one is Limited Movement wherein fire service personnel can get promoted to higher posts in other work areas of the fire service division on fulfilling the criteria laid down in OM dated 11.8.2015 of the Department of space, provided vacancies are available. To get promoted as Sub Officer, eligible candidates are to possess sub officer course certificate from National Fire Service College and should possess Heavy Vehicle driving licence. Candidates are promoted based on seniority and on qualifying in the tests prescribed subject to availability of vacancies. The leader of the RC-JCM requested to sponsor the eligible fire service personnel to the sub officer's course since completing the course is mandatory to be promoted as sub officer and the same was agreed to. However, the two recognised service associations protested and demanded that fire service personnel be deputed to the course irrespective of whether they are eligible for the post of sub officer post, since the others would get a relaxation of one year residency period in being considered for promotion to the next higher grade post in the defined hierarchy under LFCS. In order to resolve the impasse extensive discussions were held with the service unions and finally it was decided that two lists would be prepared with one based on joining date and the other containing the eligible candidates. Fire service personnel would be deputed in the ratio of 1:1 from the two lists. The two lists were released on 13.3.2019. Respondents assert that the solution of two lists is advantageous to both the personnel eligible for promotion under the LFCS as well as Limited movement scheme.



6. Heard both the counsel and perused the pleadings on record.

7. I) The dispute revolves around the aspect of taking advantage of relaxation of one year relaxation in residency period, as per OM dated 11.8.2015 of the Department of Space, to get promoted under LFCS (Limited Flexible Complimentary Scheme) to the next higher grade in the defined hierarchy on one hand and on the other hand complying with the mandatory clause of completing the sub officer's course to get qualified to be considered for promotion as sub officer, by the eligible fire service personnel under Limited Movement scheme. For both the groups the sub officer's course is critical for their promotion to the next higher grade or to the eligible higher post. R-1 gives a bird's eye of the movement of the fire service personnel to higher posts.



II) In regard to the sub officer's course, respondents did consult the service associations and arrived at the alternative of creating two lists, one based on length of service and the other containing eligible personnel who can be promoted to the post of sub officer. The solution worked out was to depute fire personnel in the ratio of 1:1 from both the lists which on the face of it appears to be a viable alternative to the dispute on hand as it serves the interests of both the groups in an impartial manner. However, the grouse of the applicants is that in the past the policy was to send fire personnel to the course based on the length of service rendered. Respondents changing the policy midway without seeking any objections/suggestions on the same was unfair and also such a change was

against the rules framed by the Ministry of Home Affairs in regard to deputing fire personnel for courses in question. The applicants have drawn attention of this Tribunal to the 2nd action point of the minutes of the 66th Regional Council of JCM (Annexure A-5) wherein it was adduced that employees in order of their seniority (date of joining) will be send for training. This decision has led to confusion in the minds of the applicants as to whether it applies to the eligible candidates or was it for the entire cadre of fire service personnel.



III) It must be remembered that when a policy change is envisaged the directions thereupon have to be clear so that the employees understand the communication without any ambiguity. Respondents did discuss with the recognised service unions and decided to have the two lists but it appears that the outcome was not properly and effectively disseminated to the rank and file of the fire service cadre. Therefore, the litigation. Moreover, broad basing decisions of the nature in question by throwing them open to the entire sample seeking suggestions or objections will result in a universally acceptable decision. In the instant case, as the policy change affects the Fire Service personnel *per se* it would have been undoubtedly helpful to seek suggestions/objections from the fire cadre personnel so that a probable better alternative could have emerged. Usually this is the practice followed in most of the major central govt organisations before taking a decision in sensitive personnel matters. Such an approach once adopted may facilitate an inclusive decision with all the stake holders on board.

IV) Nevertheless, even now the respondents may consider inviting suggestions/objections on the two lists decision and on receipt of the same, review their utility vis-à-vis organisational interests and thereafter crystallise the policy with or without amendments, nomenclaturing it as a training division policy so that it stands the test of time in the years to come and does not give any room for any bewilderment on the issue in the years to come. The respondents may grant 15 days time, on receipt of this order, for seeking such suggestions/ objections from the fire service personnel through an open circular, and thereafter on taking a final decision in the issue, the respondents are at liberty to depute the fire service personnel for the sub officer's course as per their organisational requirements.



V) The Tribunal understands the sensitive role which the fire service personnel play in the respondents organisation and hence a participative approach has been suggested so that the grievances are minimised. It is left open to the respondents to follow the advice tendered or to evolve a better mode of participatory grievance resolution using advanced tools of technology at their command like eliciting mobile/web based responses in a given time frame to the twin list solution they have arrived at, so that a win-win situation emerges as the end result to the issue on hand.

VI) With the above directions the OA is disposed of, with no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

/evr/