

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 122 of 2001

New Delhi, this the *9th* day of *August* 2002

HON'BLE MR. V.K. MAJOTRA, MEMBER (A)  
HON'BLE MR. KULDIP SINGH, MEMBER (JUDL.)

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Shri Dharampal Khatri  
S/o Shri Prithvi Singh  
R/o 209, VPO Banker, Delhi-110 040.

-APPLICANTS

(By Advocate: Shri S.K. Gupta)

Versus

1. Government of NCT  
Through Chief Secretary,  
5, Sham Nath Marg,  
Delhi.
2. Principal Secretary (Home)  
5, Sham Nath Marg,  
Delhi.
3. Chief Fire Officer,  
Fire Head Quarters,  
Connaught Place,  
Delhi.
4. Shri Bani Singh  
working as Sub Officer
5. Shri Rai Singh  
working as Sub Officer
6. Shri Mohan Singh  
working as Sub Officer
7. Shri Randhir Singh  
working as Sub Officer
8. Shri Sathir Singh  
working as Sub Officer
9. Shri Shiv Prashad  
working as Sub Officer
10. Shri Ved Pal  
working as Sub Officer
11. Shri Manoj Kumar Sharma  
working as Sub Officer
12. Shri K.K. Saxena  
working as Sub Officer
13. Shri Rajender Atwal  
working as Sub Officer
14. Shri Francis Brown  
working as Sub Officer

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15. Shri A.K. Malik  
working as Sub Officer

16. Shri C.P. Singh  
working as Sub Officer

-RESPONDENTS

(By Advocate: Shri Ashwani Bhardwaj)

O R D E R

By Hon'ble Mr. Kuldip Singh, Member (Judl)

The applicant in this OA impugns the final seniority list issued on 19.9.2000 which according to the applicant has been made in an arbitrary manner and respondent Nos. 4 to 16 have been placed above the applicant in the final seniority list, which is against the rules.

2. The applicant has initially joined the service of the respondents as Trainee Fireman in the year 1979. During his service, he qualified the course of Institute of Fire Engineering. Thereafter the applicant applied in response to an advertisement for the post of Sub Officer. Examination for selection was held and he was declared successful and was appointed as Sub Officer w.e.f. 16.11.1993 as a direct recruit Sub Officer.

3. Since then respondents have issued various tentative seniority lists which were also subject matter of various litigations. Throughout the applicant was shown as senior to respondent Nos. 4 to 9 but all of a sudden the office of the applicant issued another seniority list on 20.4.2000 in which the applicant was shown junior to respondent Nos. 4 to 16. The applicant

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has filed objections but respondents ignoring the objections raised by the applicant, issued a final seniority list where again he has been shown as junior.

4. In order to assail the seniority list the applicant says that in fact the rota quota system under which the final seniority list has been drawn had broken down in 1992-93 itself so now the seniority has to be fixed in accordance with the date of selection in case of promotees and from the date of joining in the case of direct recruitment. Since the applicant joined the service on 16.11.1993 and respondent Nos. 4 to 16 joined service on later dates, so they should be placed below him.

5. Respondents are contesting the OA. The respondents in their reply submitted that respondents Nos. 10 to 16 are much senior to him as they are direct recruits and at the time of selection the applicant was placed junior to respondent No. 10 to 16 in the merit list. For that purpose the respondents have annexed Annexure A-1 which is the minutes of the Selection Board held on 3.11.1993 and the minutes also show that Shri Ved Pal, respondent No. 10, Shri Manoj Kumar Sharma, respondent No. 11, Shri K.K. Saxena, respondent No. 12, Shri Rajinder Atwal, respondent No. 13, Shri Francis Brown, respondent No. 14, Shri Abhilesh Kumar, respondent No. 15 and Shri Gyanendra Pratap Singh, respondent No. 16 were shown senior in the selection list as they were respectively placed from S.Nos. 1 to 7 in the selection list as per the minutes and the applicant was at S.No. 8 in the order of merit drawn by the selection Board.

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6. As regards respondent Nos. 4 to 9 are concerned, they are the promotee SO Officers and according to the respondents they have been assigned seniority above the applicants because they were given promotions for the vacancies which existed in the year 1991, 1992 and 1993 and vacancies for the said years could not be filled up due to various reasons, therefore, the respondents have promoted these officers on the basis of DPC held on 11.3.1994. It is further stated that since the vacancies pertained to the year 1990-93, so the same was indicated in the seniority accordingly.

7. So now the short question is whether the rules of rota quota had broken down prior to the holding of the DPC which recommended promotions of respondent Nos. 4 to 9. Though the applicant in the grounds particularly ground No. 5(a) and 5(c)(i) has stated that the rota quota rule was totally broken down in the year 1992-93 for promotion of Sub Officer but the respondents in their reply have denied that the rota quota had been broken down. In reply to para 5(c)(i) it is specifically stated that the seniority of the directly recruited and promotee sub officers, is strictly as per rules, i.e., one promoted and one direct and the excess officers of direct category are shown in the last of the list, as such there was no breaking of rota-quota.

8. From the perusal of the entire OA and documents on record we find that there is nothing to indicate at what point of time rule of rota quota had broken down. As per as the rules regarding DPC are

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concerned, the DOP&T has laid down instructions that ordinarily the DPC is to be held every year but in case the DPC could not be held for some reasons, then DPC has to consider the vacancies together, but seniority has to be assigned against the vacancies pertaining to that particular year to which the vacancies pertain, rota quota is also to be maintained and the same is the case with the department.

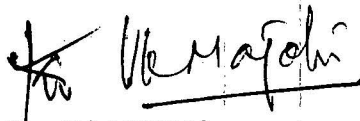
9. The department denies that the rota quota has broken down and since respondent Nos. 4 to 9 had been promoted against the vacancies pertaining to previous years, i.e., 1990-93 their seniority was indicated accordingly. Shri Shiv Prasad was also given seniority above the applicant as he belonged as SC category. Accordingly, the plea, as raised by the applicant has no merits and the same is rejected.

10. As regards respondent Nos. 10 to 16 are concerned, the applicant has failed to assign any reason why he should be shown senior to respondent Nos. 10 to 16 as such this plea of the applicant has to be rejected.

11. No other contention has been raised before us.

12. In view of the above discussion, we find that that the OA is without any merits and the same is dismissed. No costs.

  
( KULDIP SINGH )  
MEMBER (JUDL.)

  
(V. K. MAJOTRA)  
MEMBER (A)