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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

OA No. 1510/99 with MAs 1340 & 1664 of 1999.

New Delhi: this the 14<sup>th</sup> day of February, 2000.

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A).

HON'BLE MR. KULDIP SINGH, MEMBER (J)

1. B. K. Pathak, S.O. 275,  
S/o Sh. Lakh Raj Pathak,  
R/o F-3, Shankar Road,  
Fire Station,  
New Delhi.
2. B. R. Saxena, S.O. 315,  
S/o Shri T. R. Saxena,  
working at Keshav Puram,  
Fire Station,  
R/o Connaught Circus,  
Fire Station,  
New Delhi.
3. Hari Kishan, SO 566,  
S/o Sh. Hukam Chand,  
R/o A-10, Rajghansi Road,  
Fire Station,  
New Delhi

.... Applicants.

(By Advocate: Shri S. K. Gupta)

Versus

1. Govt. of NCT of Delhi,  
through  
Chief Secretary,  
5, Shan Nath Marg,  
New Delhi.
2. Chief Fire Officer,  
Delhi Fire Service (Hqs),  
Connaught Lane,  
New Delhi.

& 8 others as per amended Memo of parties. .. Respondents.

(By Advocate: Shri Rajinder Pandita)

ORDER

HON'BLE MR. S. R. ADIGE

Applicants seek promotion as Station Officers and allege that respondents are applying the amended Recruitment Rules for these posts which came into force on 26.10.98 even in respect of vacancies of posts of Station Officers which occurred prior to 26.10.98 which they state is against the law laid down by the Hon'ble

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Supreme Court in the case of Y.V. Rangaiah & Ors. Vs. J. Srinivas & Ors. 1983(3) SCC 284 .

2. We have heard applicants' counsel Shri S.K. Gupta. Respondents' right to file reply had been forfeited in view of their failure to file the same despite repeated opportunities given to them. Respondents' counsel Shri Rajindra Pandita appeared and sought permission and was allowed to withdraw from the case as he stated that he had received no cooperation from respondents.

3. During hearing Shri Gupta assailed that the Recruitment Rules had been amended on 26.10.98 and one of the essential condition for promotion as per these amendments was that the candidate should have passed the Station Officers' Course from NFSC, Nagpur or equivalent, but this condition was being made applicable even to vacancies which had arisen prior to 26.10.98, which was violative of Rangaiah's case (supra).

4. There is merit in Shri Gupta's contention that vacancies have to be filled up in accordance with those RRs which were in existence at the time the vacancy became available. In other words, vacancies of ~~S.O.~~ <sup>Station Officer</sup> which became available prior to 26.10.98, would have to be filled up in accordance with the unamended RRs, and it is only those vacancies which became available after 26.10.98 which would have to be filled in accordance with the amended RRs.


5. Keeping the above in view, this OA is disposed of with a direction to respondents to consider applicants' claim for promotion as ~~S.O.~~ <sup>Station Officer</sup> subject to availability of

⑤ Corrected vide  
Court's order dated  
4-4-2000

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vacancies, and in accordance with rules, instructions and judicial pronouncements as expeditiously as possible, and preferably within 4 months from the date of receipt of a copy of this order. No costs.

  
( KULDIP SINGH )  
MEMBER(J)

  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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