

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1135 of 1998

New Delhi, this the 17th day of March, 1999

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)  
HON'BLE SHRI N. SAHU, MEMBER (A)

Shri Jabar Singh Rawat, Son of Shri Narain Singh Rawat, Resident of Gali No. 16, House No. 228, Shiv Mandir, Wazirabad, Delhi. Place of Employment - Employed as Chowkidar, Ministry of Defence, Government of India, Solid State Physics Laboratory, Lucknow Road, Delhi-110054

-APPLICANT

(By Advocate: Shri Y.R. Malhotra)

Versus

1. Secretary to the Government of India, Ministry of Defence, South Block, Central Secretariat, New Delhi.
2. Director General, Defence Research and Development Organisation, Ministry of Defence, South Block, Central Secretariat, New Delhi.
3. Director, Ministry of Defence, Government of India, Solid State Physics Laboratory, Lucknow Road, Delhi-110054
4. Director, Defence Electronic Applications Laboratory, Ministry of Defence, Government of India, Research and Development Organisation, Dehradun-248001

-RESPONDENTS

(By Advocate: Shri Gajendara Giri)

O R D E R (ORAL)

By Reddy, J.-

The grievance of the applicant, who is working as Chowkidar, is with regard to his posting as Fireman Grade-II.

2. It is the case of the applicant is that he was selected as Fireman Grade-II by respondent 4, but as on date of filing the application, he was not given the posting and the case was pending since 1996. The



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applicant relies on Annexure-A-9 letter dated 20.11.1995. In the proceedings written by the Assistant Director (Personnel), Research & Development to Defence Science Centre, Delhi, the subject of filling up the post was considered. The Assistant Director states that the selected persons who had successfully undergone training in Fire Fighting are entitled to the post of Fireman Grade-II against the existing vacancies in the Lab/Establishment. It was further stated in paragraph 4 as under -

"In case of non-availability of a vacancy of Fireman Grade-II, the same may be intimated to this HQ at the earliest along with the undertaking already submitted by the employees before undergoing training, so that he can be posted to any Lab/Estt wherever vacancies exists."

3. It is contended by the learned counsel for the applicant that in case of non-availability of vacancy in Fireman Grade-II the same should be intimated to the Headquarters so that the applicant can be posted to any Lab/Establishment wherever vacancy exists. But, the respondent-department, in which the applicant is working, has not acted in accordance with paragraph 4 as no information was sent to respondent 4 about the non-availability of vacancy. The learned counsel for the respondents submits that the applicant could not be posted as Fireman Grade-II as there was no vacancy.

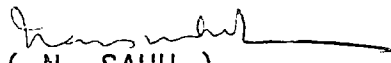
4. The applicant having been regularly selected and appointed is entitled to be posted as Fireman Grade-II. However, he could not be posted on the ground of non-availability of post. If that is the case, the respondents should have written in terms of paragraph 4

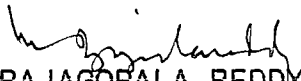
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of the above proceedings dated 20.11.1995 so as to enable the applicant's posting in any Lab/Establishment, wherever vacancy exists. Since the respondents have failed to do so, this is a fit case where we can give a direction to respondent 3 to act in accordance with paragraph 4 of the proceeding dated 20.11.95. We order accordingly. The respondent is also directed to inform the non-availability of post as stated above, within a period of one month from the date of receipt of a copy of this order.

5. The O.A. is disposed of as above. No costs.

  
( N. SAHU )  
MEMBER(A)

  
( V. RAJAGOPALA REDDY )  
VICE CHAIRMAN(J)

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