

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 1305/98  
and  
O.A. No. 1314/98

New Delhi this the 17 Day of August 1998

Hon'ble Mr. Justice K.M. Agarwal, Chairman  
Hon'ble Mr. R.K. Aahooja, Member (A)

O.A. No. 1305/98

Shri Rajesh Panwar,  
S/o Shri H.S. Panwar,  
R/o A-1, Fire Station, Connaught Place,  
New Delhi. Applicant

(By Advocate: Shri B.S. Charya)

-Versus-

1. Delhi Fire Service,  
Headquarters, Connaught Circus,  
New Delhi.  
through its Chief Fire Officer
2. National Capital Territory of Delhi,  
5 Sham Nath Marg,  
Delhi.  
through its Secretary
3. The Deputy Secretary (Home III),  
Govt. of N.C.T. of Delhi.  
5 Sham Nath Marg,  
Delhi. Respondents

ORDER

O.A. No. 1314/98

Shri Vipin Kental,  
S/o Late Shri M.L. Kental,  
R/o F-2, Bhikaji Cama Place Fire Station,  
New Delhi. Applicant

(By Advocate: Shri B.S. Charya)

-Versus-

1. Delhi Fire Service,  
Headquarters Connaught Circus,  
New Delhi.  
through its Chief Fire Officer.
2. Govt. of National Capital Territory of Delhi,  
5 Sham Nath Marg,  
Delhi.  
through its Chief Secretary.

3. The Deputy Secretarey (Home III),  
 Govt. of National Capital Terriotryof Delhi,  
 5 Sham Nath Marg,  
 Delhi.

Respondents

(A)

ORDER

Hon'ble Shri R.K. Ahooja, Member (A)

Since both the OAs raise the same issues, they are being disposed off by this common order.

in OA 1305/98 who

2. The applicant was working as Station Officer in Delhi Fire Service w.e.f. 6.10.1990 was directed vide order dated 10.6.1998 to hold the current duty charge of Assistant Divisional Officer. His grievance is that the respondents by order dated 25.6.1998, cancelled the earlier direction with retrospective effect. He submits that no reasons or grounds for issuing the impugned order have been stated. However, he has learnt that the respondents have issued this direction on the plea that there are disciplinary proceedings pending against him by way of a charge sheet dated 6.1.1998. The charges pertains to an incident of September, 1993 and the applicant also challenges the legality of this charge sheet. By way of relief he seeks a direction not only to quash the order dated 25.6.1998 but also the charge sheet dated 6.1.1998.

3. We have heard Shri B.S. Charya, learned counsel for the applicant. So far as the chagesheet is concerned it is well settled that the same cannot be quashed unless it indicates no misconduct or the charges framed are contrary to law. (See Govt. of Tamil Nadu Vs. K.N. Ramamurthy JT 1997(7) SC 401;

(5)

Union of India Vs. A.N.Saxena JT 1991 (2) SC 532 and  
Union of India Vs. Bhupinder Singh, JT 1994 (1) SC 658). Here the impugned charge sheet speaks of alleged misconduct against the applicant in sheltering some of his subordinates who were accused of stealing a LPG Cylinder. We do not find therefore that there is no misconduct alleged or that charge sheet is contrary to law.

(5)

4. As regards the plea of the applicant to maintain the order dated 10.6.1998, asking him to hold the current charge of the post of Assistant Divisional Officer, the contention of the learned counsel was that it was virtually an order of regular promotion since it is the practice in Delhi Fire Service to make promotions in such a manner. Irrespective of the practice if any followed in Delhi Fire Service, we can only go by the language of the order. If the applicant had been given some semblance of promotion, there would have been a mention of pay and allowances. "Current duty" charge relates only to the routine duties of a post and does not entitle the holder thereof to any compensation or any superior claim for regular promotion. We consider that the respondents were well within their rights to alter the administrative arrangements keeping in view the pendency of disciplinary proceedings against the applicant. We note, however that in the present case the impugned order carries no stigma against the applicant. Since there was no promotion to begin with, we find no demotion through the impugned order.

Or

5. In the light of the above discussion, we find no basis to proceed further in the OA. The same is accordingly dismissed at the admission stage itself. (b)

6. O.A. No. 1314/98 : The applicant herein is also aggrieved by the withdrawal of the order conferring current duty charge of Asstt. Divisional Officer. He also impugns the chargesheet dated 20.1.1994. For the reasons stated in respect of OA No. 1305/98, this OA is also liable to be dismissed at the admission stage itself. It is so ordered.

*JK*  
(K.M. Agarwal)  
Chairman

*R.K. Ahuja*  
(R.K. Ahuja)  
Member (A)

\*Mittal\*