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Central Administrative Tribunal
Principal Bench.
...

O.A. No. 2486/95

New Delhi, this ^{1st} the day of July, 1996

Hon'ble Shri S.R. Adige, Member (A)

Shri R.S. Tomar s/o
Shri Mohan Singh Tomar,
R/o A-2, Rakab Ganj Fire Station,
Gurdwara Road,
New Delhi.

...Applicant.

(By Shri B.S. Charya, Advocate)

Versus

1. Delhi Fire Service,
Headquarters, Connaught Circus,
New Delhi through its Chief Fire Officer.
2. Govt. of N.C.T. of Delhi,
5, Alipore Road, Delhi
through its Chief Secretary.
3. The Secretary (Services),
Govt. of N.C.T. of Delhi,
5, Alipore Road, Delhi.
4. Shri Raj Mal Khokhar,
Sub-Officer, Delhi Fire Service,
Najafgarh Fire Station,
Najafgarh, Delhi.

...Respondents

(By None)

O R D E R

By Hon'ble Shri S.R. Adige, Member (A).

1. Heard Shri B.S. Charya, counsel for the applicant. None appeared for the respondents.
 2. In the O.A. the applicant's prayer was to be sent on the Station Officers Training Course commencing on 3.1.1996. Applicant's counsel Shri Charya has stated during the hearing that the said Course commenced on or
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B about that date and was of approximately 22 weeks duration. That being so the question of sending the applicant on that particular course does not arise now. However, in the event the applicant applies for being sent on the next such Course, the respondents should consider his application in accordance with the rules & instructions on the subject and give him a reasonable opportunity of being heard in person before taking a final decision in the matter.

3. Shri Charya has denied the respondents assertion taken in their reply that Shri Raj Mal Khokhar is senior to the applicant or that pendency of disciplinary proceedings are a bar to the applicant's nomination for the said course.

4. In so far as the question of the applicant's seniority vis-a-vis Shri Raj Mal Khokhar is concerned, this particular OA is not where this particular issue can be conclusively adjudicated upon. If the applicant has any grievance in respect to his seniority vis-a-vis Sh. Khokhar as determined by the respondents, it is open to him to agitate the same through appropriate original proceedings (in which all the necessary proper parties are impleaded) in accordance with law if so advised. As regards ^{^ then} ~~where~~ there is any bar to the applicant being nominated for the said course during the pendency of departmental proceedings, respondents should

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examine this matter if and when the applicant applies for being sent on the next such course.

5. This O.A. is disposed of in terms of paragraphs 2 & 4 above. No costs.

S.R. Adige
(S.R. Adige)
Member (A)

:Ahuja: