

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.424/96

New Delhi this the 1st day of December, 1999.

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman
Hon'ble Mr. R.K. Ahooja, Member (A)

1. Association of Fire Services
(Drivers) (Regd.) through its
General Secrettary, Om Prakash,
H-15, Ashram Fire Station,
New Delhi.

2. Anil Kumar,
S/o Ram Kumar,
P.O. Harewali,
Delhi 39, now posted at
Laxmi Nagar, Fire Station,
Delhi-32.

...Applicants

(By Advocate - None)

-Versus-

1. Union of India,
through the Secretary,
Home Department,
Govt. of NCT of Delhi,
5, Sham Nath Marg,
Delhi-110 054.

2. The Chief Fire Officer,
Delhi Fire Service Headquarters,
Connaught Place,
New Delhi-110 001.

...Respondents

(By Advocate Shri Vijay Pandita)

O R D E R

By Mr. R.K. Ahooja, Hon'ble Member (A):

Briefly stated, the facts leading to the present controversy, are as follows:

2. The applicants responded to an advertisement for appointment of Drivers in the Delhi Fire Service in the grade of Rs.1320-2040. After selection they were asked for their consent for appointment as Drivers (Fire Service) in the pay scale of Rs.975-1660. The applicants submit that they had gone through an arduous process of selection and it

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was only at the end that they were given the option to accept the lower scale. In the circumstances they had given the options and accepted the lower pay scale. They point out that in the Fire Service there are two pay scales, viz., one of the Drivers in the pay scale of Rs.1320-2040 and the other of Fireman which is Rs.975-1660. For this reason since they are working as Drivers, they cannot be given a lower pay scale of Fireman.

2. The respondents in their reply have stated that ~~while~~^{after} inviting applications for the posts of Drivers in the pay scale of Rs.1320-2040, before the selection could be finalised, the cadre of Drivers, Delhi Fire Service was reorganised with a provision of ~~giving~~ three different pay scales. These were Rs.975-1660 at the lowest, Rs.1320-2040 and finally the grade of Rs.1600-2660. ~~The~~ three categories were designated as Fireman (Driver), Leading Firman (Driver) and Sub Officer (Driver). In view of this change which was brought about by a decision of the Municipal Corporation of Delhi dated 21.3.94, necessarily ~~meant~~[^] ~~that~~ the initial entry in the recruitment had to be at the lowest scale of Firman (Rs.975-1660). However, a care was taken to obtain the consent of the applicants before appointment letters were issued.

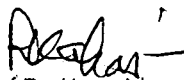
3. We have given careful thought to the aforesaid submissions. In view of the fact that the cadre of the Drivers in the Delhi Fire Service has been re-organised, providing for three different pay scales with the initial pay scale starting from

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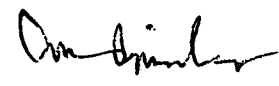
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Rs.975-1660, there was no choice for the respondents but to recruit the applicants in the lowest scale. These changes were not made after the applicants joined the service but prior to their entry into the cadre. They were given their choice whether to accept the post of Fireman (Driver) or not and it is not denied by the applicants that they had given such consent. In view of this position, the applicants cannot claim grant of higher pay scale of Rs.1300-2040, which can be attained only by way of promotion from Fireman (Driver) to Leading Fireman (Driver).

4. In the light of the above discussion, the O.A. is devoid of any merit. The O.A. is accordingly dismissed. No costs.


(R.K. Ahoja)
Member (A)

'San.'


(V. Rajagopala Reddy)
Vice-Chairman(J)