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Central Administrative Tribunal
Principal Bench, New Delhi

OA No. 1760/97

New Delhi, this the 25th day of March, 1998

Hon'ble Shri T.N. Bhat, Member (J)
Hon'ble Shri S.P. Biswas, Member (A)

1. M.S. Tyagi s/o Leheri Singh,
c/o Control Room, Delhi Fire Service,
Hqrs., Connaught Lane,
New Delhi.
2. Harish Chander s/o M. Lal,
r/o H.No. G-7, Jagatpuri,
Shahdara, Delhi.
3. Virender Singh s/o Sawran Singh,
r/o K-2, Gali No. 12,
Brahampuri, Delhi.
4. Ashok Kumar s/o Ram Chander,
r/o H.No. 47-48, Pocket B
Block L-2, Mohan Garden,
Uttam Nagar, New Delhi. ...Applicants

(By Advocate: Shri S.K. Gupta)

Versus

1. Govt. of N.C.T. of Delhi through
Chief Secretary,
5, Sham Nath Marg,
New Delhi.
2. Chief Fire Officer,
Delhi Fire Service (Hqrs.),
Connaught Lane,
New Delhi.
3. Secretary (Home),
Govt. of N.C.T. of Delhi,
5, Sham Nath Marg,
Delhi. ...Respondents

(By Advocate: Shri Amresh Mathur)

O R D E R (ORAL)

Hon'ble Shri T.N. Bhat, Member (J)-

Heard the learned counsel for the parties
for final disposal of the O.A. at the admission stage
itself, with their consent.

by am
25.3.98

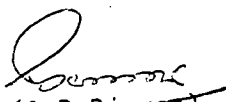
2. The applicants are aggrieved by the decision of the respondents contained in the letter dated 18.7.1996 issued by the Deputy Chief Fire Officer, Delhi Fire Service, by which the process for holding the DPC for filling up the vacancies of Assistant Wireless Officers is sought to be initiated after the revised recruitment rules, prepared by the respondents and forwarded to the Home Department, are approved and enforced. The contention of the applicants is that since the recruitment rules of 1983 are still in force, any vacancy that is existing at this time will have to be filled up in accordance with the 1983 recruitment rules.

3. The respondents have not filed any reply despite several opportunities being granted to them. However, the learned counsel for the respondents made his submissions on the question in controversy and sought to defend the action of the respondents. We are, however, not convinced by the submissions made by the respondents' counsel, as admittedly the amended/revised recruitment rules are yet to be approved and have not come into force. The Apex court has, in the case of Y.V.Rangaiah & Ors. vs. J.Srinivas & Ors. in its judgement reported in (1993) 3 SCC p.284, clearly held that vacancies which occur prior to the amended rules would have to be filled under the old rules and not by the amended rules. In that case it was clearly laid down that promotion under the amended rules could be made only in respect of those vacancies which arose after coming into force of the amended rules. It was under these circumstances held that those vacancies which might have arisen before the coming into force of the amended rules shall be governed by the old rules.

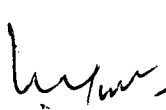
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4. We, therefore, allow this OA, directing the respondents to hold selection for filling up the existing vacancies of Assistant Wireless Officers in accordance with the recruitment rules already in force.

5. With this order, the OA is disposed of, leaving the parties to bear their own costs.


(S.P. Biswas)
Member (A)

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(T.N. Bhat)
Member (J)
25.3.98