

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH  
NEW DELHI.

C.P.No. 276/1996

IN

O.A.No.1156/96

New Delhi: this the 3<sup>rd</sup> day of July, 1997.

1. Shri M.S.Tyagi,  
S/o Sh.Leheri Singh,  
C/o Control Room,  
Delhi Fire Service,  
HQRS, Connaught Place,  
New Delhi.
2. Shri Harish Chander,  
S/o M.Lal,  
R/o G-7, Jagatpuri,  
Shahdara,  
Delhi.
3. Shri Virender Singh,  
S/o Shri Swaran Singh,  
R/o K-2, Gali No.12,  
Brahampuri,  
Delhi- 110 053.
4. Shri Ashok Kumar,  
S/o Shri Ram Chander,  
R/o 47-48, Pocket-B,  
Block L-2, Mohan Garden  
Uttam Nagar,  
New Delhi -59

.... Applicants.

(By Advocate: Shri S.K.Gupta).

Versus

1. Shri P.V.Jaikrishan,  
Chief Secretary,  
Govt. of NCT of Delhi.  
5, Sham Nath Marg,  
Delhi.
2. Shri S.K.Dheri,  
Chief Fire Officer,  
Delhi Fire Service, (Hdqr)  
Connaught Place,  
New Delhi.
3. Shri K.S.Baidwan,  
Secretary (Home),  
Govt. of NCT of Delhi,  
5, Sham Nath Marg,  
Delhi.

... Respondents.

(By Shri A.L.Agnihotri, Asstt. Prosecutor)

HON'BLE MR.S.R.ADIGE MEMBER(A).

HON'BLE DR.A.VEDAVALLI MEMBER(J)

ORDER

BY HON'BLE MR.S.R.ADIGE MEMBER(A).

Applicants allege contumacious disobedience  
of the Tribunal's order dated 30.5.96 in OA No.1156/96.

(2)

2. In that OA applicants' prayer was for a direction to respondents to initiate the process for holding a DPC to fill up 12 vacancies of Asstt. Wireless Officer.

3. By impugned order dated 30.5.96 it was held that applicants may file a self contained representation to respondents within a week, on receipt of which respondents were directed to examine and dispose of the same in the light of rules within three weeks. In case applicants were still aggrieved liberty was given to them to agitate their grievance through appropriate original proceedings in accordance with law, if so advised.

4. Applicants accordingly filed a representation on 6.6.96 followed by reminder dated 8.7.96, in reply to which respondents informed applicants vide Memo dated 19.7.96 (Annexure-C6) that revised Recruitment Rules of AILO have been sent to Home Department for approval so that case for filling up vacant posts of AILO (Operation) is taken up at the earliest. It was further stated in that memo that efforts would be made to get the RRs revised/ finalised within a month so that further action would be possible. Applicants allege that despite further reminder and passage of much more than 1 month, no action has been taken by respondents, who have thereby committed contempt of Tribunal's order dated 30.5.96.

5. Respondents in reply contend that on examination of applicants representation dated 6.6.96, it was found that their appointment to the post of Radio Telephone Operators was not made under any

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(3)

R.Rs as no RRs for the said posts exist as of today. They assert that applicants who are working as RTOs have no substantive right even against the posts on which they are presently working unless and until they are regularised in pursuant of RRs framed for the purpose. It is submitted that they cannot be promoted to the next higher post of AILO as no RRs for the said post exist, and till these RRs are framed any O.P.C held to make promotion would be illegal and void. It is contended that formulation of RRs of various categories of staff are under progress and after due consultation with UPSC the same would be notified after which promotion would be taken up.

6. Applicants in rejoinder deny respondents' contention. They state that they are permanent and substantive employees of Delhi Fire Service and contend that RRs for posts of RTOs and AILOs are already in existence.

7. The question whether applicants were substantively appointed as RTOs or not, and whether RRs for the promotion post of AILOs are in existence or not, are not matters which can be adjudicated upon in an O.P., the scope of which is extremely limited. It is well settled that the purpose of a O.P is to instil respect for the law and the judicial process and not for agitating the private rights of individuals. If applicants are aggrieved with the contents of respondents' Memo dated 19.7.96 it gives them a separate cause of action and liberty has already been afforded to them by our judgment dated 30.5.96 to agitate that grievance through an O.A separately in accordance with law. It is true that respondents did not dispose of applicants' representation dated

(A)

6.5.96 within 3 weeks as their Memo is dated  
19.7.96 but that slight delay cannot be construed  
to mean that they have displayed any contumacy or  
wanton disregard of our order.

8. Subject to the contents of para 7 above, the  
OP is rejected and notices to alleged contemnors  
are discharged.

A.Vedavalli  
( DR.A. VEDAVALLI )  
MEMBER(J)

S.R.Adige  
( S.R. ADIGE )  
MEMBER(A).

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