

**Central Administrative Tribunal
Principal Bench**



**RA No. 217/2005
MA No. 2046.2005
In
OA No. 2756/2004**

New Delhi, this the 21st day of March, 2007

**Hon'ble Mr. Justice V.K. Bali, Chairman
Hon'ble Mr. V.K. Agnihotri, Member (A)**

V.P. Sharma,
S/o Shri Om Prakash,
Posted at Head Quarter Control Room
Delhi Fire Service,
Connaught Place,
New Delhi.

...Applicant

(By Advocate: Shri Arun Bhardwaj)

Versus

1. Government of NCT of Delhi through:
Chief Secretary,
Players Building,
ITO, New Delhi.
2. The Chief Fire Officer,
Delhi Fire Service Headquarters,
Connaught Place, New Delhi.
3. Shri Jugal Kishor
4. Shri Ajit Singh
5. Shri Sudershan Kumar
6. Shri Virender Singh
7. Shri Satish Chander
8. Shri Ashok Kumar
9. Shri Gopal
10. Shri Jagtar Singh
11. Shri Rajesh Kumar
12. Shri Mehak Singh
13. Shri Shyam Lal

14. Shri Kuldeep Kumar

(All private respondent Nos. 3 to 14 to be served through the Chief Fire Officer and all are working as Radio Telephone Operator in Delhi fire Service at Connaught Place, New Delhi).
...Respondents

(By Advocate: Mrs. P.K. Gupta & Sh. Vijay Pandita for R-1 & R-2
Shri S.K. Gupta for R-3, R-6, R-7 & R-9)

O R D E R (ORAL)

By Justice V.K. Bali, Chairman:

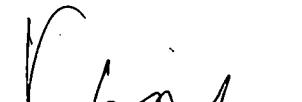
The prayer made in the present application is to review the order of this Tribunal recorded by Justice V.S. Aggarwal, Chairman and Mr. S.K. Malhotra, Member (A), as they then were, dated 08.08.2005 passed in OA No. 2756/2004. We have gone through the order sought to be reviewed, in which every aspect of the case has been elaborately dealt with.

2. All that has been urged in support of the present Review Application is that the judgment relied upon by the Tribunal in **Rajinder Singh & Ors. v. Union of India & Ors.**, 2001 (10) SCC 400 pertained to a case of promotion whereas the case in hand was of conversion of posts from Telephone Operator to Radio Telephone Operator. The contention of the learned counsel for the applicant appears to be incorrect. The bare minimum facts in **Rajinder Singh & Ors. v. Union of India & Ors.** (supra) that may need necessary mention reveal that the appellant was working as Fettler in the service of Ordnance Factory, Murad Nagar in the pay scale of Rs. 196-232 plus Rs. 10/- as special pay. The pay scales were revised with effect from 4.6.1982 and the appellant was placed in the scale of

Rs 210-290. He passed the trade test on 08.04.1985 and as such, his designation was changed from Fettler to Examiner. The question that came to be debated was as to whether the appellant was entitled to seniority from 1981 or from 1986. The conclusion arrived at was that the appellant was entitled to reckon his seniority from 10.10.1986. Surely, the case of **Rajinder Singh** (supra) was not a case of promotion at all. Apart from that, we have gone through the concerned Scheme, which shows that the Telephone Operator was to be re-designated as Radio Telephone Operator if he had completed minimum 5 years of experience as Telephone Operator and had passed the departmental Radio Telephone Operator test. One essential condition thus, for seeking reconstruction of posts, was passing of a departmental test. Surely, the applicant cannot ask for reckoning his seniority before he passed the test. No merit. The RA is accordingly dismissed.



(V.K. Agnihotri)
Member (A)



(V.K. Bali)
Chairman

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