

**CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.**

ORIGINAL APPLICATION NO.376 OF 1990  
Cuttack, this the 25th day of May, 1995

P.Rajeswar Rao ... Applicant

• • •

Applicant

**-versus-**

Union of India & others ... Respondents.

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### Respondents.

(FOR INSTRUCTIONS)

1) Whether it be referred to the Reporters or not? *N*

2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? *W*

(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

25 MAY 95

(D.P.HIREMATH)  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,  
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.376 OF 1990  
Cuttack, this the 25th day of May, 1995

**CORAM:**

THE HONOURABLE SHRI JUSTICE D.P.HIREMATH, VICE-CHAIRMAN  
AND  
THE HONOURABLE SHRI H.RAJENDRA PRASAD, MEMBER(ADMN.)

....

P.Rajeswar Rao, aged about 41 years,  
son of P.Vasudev Rao of Sana Bazar, Berhampur  
Town, P.S-Berhampur, District-Ganjam, at present  
working as Driver Havildar in Aviation Research  
Centre, Charbatia, P.O-Charbatia, P.S-Choudwar, Dist.Cuttack  
....Applicant.

By the Advocate

- Mr.R.B.Mohapatra

-versus-

1. Union of India, represented by  
Cabinet Secretary to Govt.of India,  
Central Secretariat, New Delhi.
2. Director, Aviation Research Centre,  
East Block V, R.K.Puram, New Delhi.
3. Deputy Director, Administration,  
Aviation Research Centre, Charbatia,  
P.O-Charbatia, P.S.Choudwar, Dist.Cuttack.
4. Surendra Kumar Paikray, Leading Fireman
5. Harihar Singh, Leading Fireman
6. Bijay Kumar Das, Leading Fireman
7. A.K.Das, Leading Fireman, A.R.C.,  
At/P.O-Doom Dooma (Assam).
8. Purnachandra Mallick, Leading Fireman
9. Surendra Prasad Choudhury, Leading Fireman
10. J.N.Tripathy, Leading Fireman, A.R.C.,  
At/P.O-Doom Dooma (Assam)
11. Dibyasingh Nanda, Leading Fireman,

(Sl.Nos.4 to 11 except 7 and 10 are of  
A.R.C.Charbatia, P.O-Charbatia, P.S-Choudwar,  
Dist.Cuttack)

... Respondents.

By the Advocate

- Mr.A.K.Misra.

...

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O R D E R

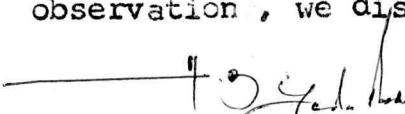
D.P.HIREMATH, VICE-CHAIRMAN

Heard both the learned counsel.

In this case the applicant's grievance is that though he has got better credentials and took part in the training along with some of the officials in the same cadre for promotion from the grade of Fire Operator to the grade of Leading Fireman/M.T.Fitter Driver/Driver Havildar , but he has been posted as Driver Havildar after promotion instead of posting him as a Leading Fireman. He has <sup>thereby</sup> taken us ~~to~~ Annexure-A-21 regarding method of recruitment for posts in the A.R.C.(Fire Fighting) Service. In category no.4 is this cadre which we have referred to above and and it should be filled up by 100% promotion from Class-III Firemen or Fire Operators with three years service in the grade, etc. It is thus clear that all these four categories of Firemen have been put together and one single cadre made, promotional avenues being the same and the gradation also being the same. The grievance of the applicant is that he ought to have been posted as a Leading Fireman after promotion instead of Driver Havildar which post has now been given to him.

*f*

He also makes a grievance that a Leading Fireman may supervise the work of the others who are to work in the unit. In our view, this being a team work, it may be that some may be asked to lead, some may be asked to drive and some may be asked to attend to fire fighting, but that, however, does not in any way place one above the other meaning thereby discrimination in the matter of discharge of duties irrespective of the qualification. When the pay-scale is the same, promotional avenues are the same and even the grade from which they should be promoted is the same, it is up to the employer to post them in the posts which according to him they are well-suited. The Tribunal cannot monitor the day-to-day work of these units and cannot make a positive direction that a particular official should be posted in a particular category. However, we can only make a direction that the respondents may consider his experience and qualification and it is up to their discretion whether he should be posted as Leading Fireman. With this observation, we dispose of this Original Application.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMINISTRATIVE)

25 MAY 95

  
(D.P. HIREMATH)  
VICE-CHAIRMAN