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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH**

**ORIGINAL APPLICATION NO. 270/2006
JODHPUR, THIS THE 22nd DAY OF JULY, 2009**

**CORAM:
HON'BLE MR. JUSTICE S.M.M.ALAM, MEMBER (J)
HON'BLE MR. S.P.SINGH, MEMBER (A)**

Jagjeet Singh S/o Shri Darbara Singh,
presently working as Fireman Engine Driver (FED)
Army, 211, Pet. P-1, Army Supply Corps (ASC),
C/o 56 A.P.O.

.... **Applicant.**

(By Advocate: Mr. Manoj Bhandari for the applicant)

VERSUS

1. Union of India
Through the Secretary
Ministry of Defence, Raksha Bhawan,
New Delhi.
2. The Director General of Supply and TPT Quarter
Master General Branch,
Army Headquarter, New Delhi.
3. The Officer Commanding,
Sena Sewa Sadan Corps Abhilekh (Purti)
ASC (Record Supply) South, Bangalore.
4. The Major General,
Army Supply Corps,
ASC, South Western Command,
C/o 56 A.P.O.
5. The Officer Commanding,
211 Petroleum (Pet),
P-1, ASC, C/o 56 A.P.O.

.... **Respondents**

**(By Advocate: Mr. Mahendra Godara for Mr. Vineet Mathur
for respondents).**

**ORDER (ORAL)
[PER JUSTICE S.M.M.ALAM]**

Applicant, Jagjeet Singh, who is presently working as Fireman Engine Driver (FED) in Army, 211, Pet. P-1, Army Supply Corps (ASC), has preferred this O.A. for grant of relief that by an appropriate order or direction the communication dated 17.10.2006 (Annex.A/1) be declared illegal and be quashed and the respondents be directed to determine the year-

wise vacancies and hold regular DPC to promote him to the post of Fire Supervisor w.e.f. the date of his eligibility and entitlement with all consequential benefits. He has also prayed that the respondents be directed to implement the restructuring scheme in ASC Records and confer pay scale of Rs. 4000-6000 in the cadre of Fire Engine Driver after re-designating him as LHF w.e.f. the year 1992 and to consider him for promotion to the post of Fire Supervisor, with all consequential benefits.

2- During the course of hearing, the learned Advocate Mr. Mahendra Godara for Mr. Vineet Mathur, appearing for respondents submitted that communication dated 17.10.2006 (Annex.A/1) is simply a reply of the legal notice and cannot be termed as 'order' within the meaning of Section 19 of the Administrative Tribunals Act and as such, this O.A. has not been filed against any 'order' of the concerned authority, hence, not maintainable. He further submitted that the restructuring scheme as prayed for by the applicant is under consideration with the department concerned and in near future the scheme will be implemented and only after implementation of the Scheme the applicant's claim for re-designation or promotion can be decided. He has submitted that he has mentioned all these facts in Para 4 of his reply and in support of the averment, he cited the relevant lines which are incorporated below :-

"The promotions are issued as per recruitment rules as well as on seniority cum fitness, passing of TT/Course subject to availability of vacancies and not merely on completion of requisite qualification. Since, the restructuring of Fire Service Personnel is under progress and the promotion system-procedure are applicable to all Defence Fire Service personnel in ASC, no injustice has been done to the applicant".

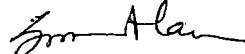
3- The learned Advocate Mr. Manoj Bhandari, appearing on behalf of the applicant conceded that the matter of re-

structuring is under consideration. He further conceded that the purpose of filing of this OA will be served if a direction is issued to the concerned authority to decide the matter of re-structuring within a specified period. In this regard, he produced a copy of the order dated 16.10.2008 delivered by the C.A.T., Principal Bench, New Delhi in OA No. 2227/2008 – **Shivraj Singh and Ors. Vs. Union of India and Ors.** and submitted that under similar circumstance, the Principal Bench, C.A.T., has issued direction to decide the matter of re-structuring and claim of the applicants preferably within a period of three months.

4:- Considering the submission of both the sides and on going through the order of C.A.T., Principal Bench passed in OA 2227/2008, we are also of the opinion that a similar direction can be issued in this case also. In this view of the matter, this O.A. is disposed of with a direction to the respondents to decide the matter of re-structuring within a period of six months from the date of receipt of a copy of this order and thereafter, pass appropriate order with regard to the reliefs claimed by the applicant in this application.

5:- With the above observation, this O.A. is disposed of with no order as to costs.


[S.P.SINGH]
Member (A)


[S.M.M. ALAM]
Member (J)

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