

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 243 of 2004

Wednesday, this the 31st day of March, 2004

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P. DAS, ADMINISTRATIVE MEMBER

1. A.S. Kalesan,
S/o Sulapani,
Leading Hand Fire (Selection Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at 'Thittapillil House',
Kadavanthara, Cochin - 682 320
2. M.N. Divakaran,
S/o late M.K. Narayanan,
Leading Hand Fire (Selection Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at Nethramangalath Parambil,
Kadavanthara, (Indira Nagar),
Cochin - 682 020
3. A. Basheerkutty,
S/o Aziz,
Leading Hand Fire (Ordinary Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at 'Bhima Manzil',
Chalakkara para Pulayattikara PO,
Kanjiramattom, Ernakulam District.
4. N. Divakaran,
S/o late N.E. Kunjuraman,
Leading Hand Fire (Ordinary Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at 'Neduvelikudy House',
Alattuchira PO, Kodanad,
Perumbavoor Via, Ernakulam District.
5. P.A. Achuthan,
S/o Aranmula,
Leading Hand Fire (Ordinary Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at 'Ponnachu Parambil House',
Cherai PO, Ernakulam District.
6. J. Stephen,
S/o Jesudasan,
Leading Hand Fire (Selection Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at 'Sheeba Nivas', Aroor PO,
Via Cherthala, Alapuzha District.

7. V.V. Johny,
S/o Shri Varkey,
Leading Hand Fire (Ordinary Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at Vellilamkunnathu House,
Edayar PO, Koothattukulam, Ernakulam District.
 8. P.K. Vijayan Pillai,
S/o Krishna Pillai,
Leading Hand Fire (Ordinary Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at Pothunukuzhiyil House,
Kolani PO, Thodupuzha, Idukki District.
 9. P.C. Pushkaran,
S/o Cheeran,
Leading Hand Fire (Ordinary Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at 'Pullingal House',
Kumbalangy, Cochin-7, Ernakulam District.
 10. T.T. Viswanathan,
S/o late Thankappan,
Leading Hand Fire (Ordinary Grade),
Fire Station, INS Venduruthy,
Naval Base, Cochin-4,
Residing at 'Thoppil Parambil',
Mannam PO, North Parur,
Ernakulam District.
-Applicants

[By Advocate Mr. Shafik MA]

Versus

1. Union of India, represented by
Secretary to the Government of India,
Ministry of Defence, New Delhi.
 2. The Chief of Naval Staff,
Naval Head Quarters, New Delhi.
 3. The Flag Officer Commanding in Chief,
Southern Naval Command, Cochin-4
-Respondents


[By Advocate Mr. C. Rajendran, SCGSC]

The application having been heard on 31-3-2004, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN


Applicants, 10 in number, who are Leading Hand Fire
under the 3rd respondent, have filed this application
challenging the provisions of the Recruitment Rules for the
post of Supervisor (Fire) to the extent it provides for filling



up of 50% of the vacancies by promotion of Fire Engine Drivers. Pointing out the detriment that this reservation would bring to bear on them, the applicants submitted representations to the respondents seeking modification of the provisions of the Recruitment Rules, but the same have not been considered and disposed of. Under these circumstances, the applicants have filed this application seeking the following reliefs:-

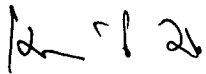
- (i) To call for the records relating to Annexures A-1 to A-5 and to quash A-1 to the extent it includes the category of Fire Engine Drivers as the major feeder category for the post of Supervisor (Fire), being illegal, arbitrary and against the public interest;
- (ii) To declare that the cadre of the applicants, i.e. LHF(SG) & (OG) alone are entitled to be considered for promotion to the cadre of Supervisor (Fire) being the most experienced from among the cadres of total Fire Staff and to direct the respondents to promote them to the ensuing vacancies of Supervisor (Fire), considering their seniority also;
- (iii) To direct the respondents to regularise the intake of personnel to the post of Supervisor (Fire) by experienced personnel after evaluating all factors, if necessary by amending the Recruitment Rules, in the interest of justice;
- (iv) To direct the 1st respondent to consider and dispose of Annexure A-4 and A-5 representations at the earliest before filling up the posts of Supervisor (Fire);
- (v) To pass any other orders which this Hon'ble Court may deem fit and proper in the circumstances of the case; and
- (vi) To award costs of this proceedings.

2. When the application came up for hearing, Shri C.Rajendran, SCGSC took notice on behalf of the respondents. Counsel on either side agree that the application may now be disposed of directing the 1st respondent to consider Annexure A-5 representation and to give the applicants an appropriate reply within a reasonable time.

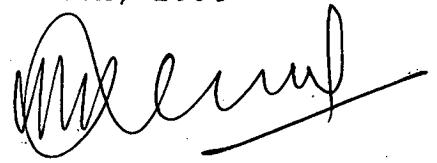


3. In the light of the above submission made by the learned counsel on either side, the Original Application is disposed of without going into the merits of the case, directing the 1st respondent to consider Annexure A-5 representation of the 1st applicant, if necessary in consultation with the 2nd respondent, and to give the applicants an appropriate reply within a period of four months from the date of receipt of a copy of this order. No order as to costs.

Wednesday, this the 31st day of March, 2004



H.P. DAS
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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