

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW BOMBAY BENCH

O.A. No. 698/87

198

~~XXXXXXXXXX~~DATE OF DECISION 16/02/1988Shri W.M. Chavan.

Petitioner

Mr. W.K. Pradhan.

Advocate for the Petitioner(s)

Versus

Union of India, through the Secretary,  
Ministry of Defence, New Delhi & 6 OTHERS.

Respondent

Mr. M.I. Sethna.

Advocate for the Respondent(s)

## CORAM :

The Hon'ble Mr. AJAY JOHRI, MEMBER(A)

The Hon'ble Mr. M.B. MUJUMDAR, MEMBER(J)

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW BOMBAY BENCH, NEW BOMBAY

Original Application No. 698/87.

Shri W.M. Chavan,  
NAD Staff Colony,  
Quarter No. 87/5,  
NAD Karanja,  
Dist. Raigad.

... Applicant.

V/s.

1. Union of India,  
through the Secretary,  
Ministry of Defence,  
New Delhi.
2. The Naval Armament Supply  
Officer, Karanja,  
Dist. Raigad.
3. The Naval Armament Supply  
Officer, Naval Dockyard,  
Naval Armament Depot,  
Bombay.
4. The Flag Officer  
Commanding-in-Chief,  
Western Naval Command,  
Bombay.
5. The Chief of Naval Staff,  
Naval Headquarters,  
South Block, DHQ's PO,  
New Delhi. 110 066.
6. Directorate of Armament Supplies,  
Ministry of Defence, South Block,  
Government of India,  
New Delhi.
7. The Admiral Superintendent,  
Naval Dockyard,  
Bombay. 400 023.

... Respondents.

Coram: Hon'ble Member(A), Shri Ajay Johri.  
Hon'ble Member(J), Shri M.B. Mujumdar.

Oral Judgment :

Per Shri M.B. Mujumdar, Member(J) {

Dated: 16.2.1988

Heard Mr. V.K. Pradhan, the Learned Advocate for the  
applicant and Mr. M.I. Sethna, Learned Advocate for the Respondents.

2. The applicant was appointed as Deputy Fire Officer from  
September, 1981 on the recommendations of the Union Public Service  
Commission. The higher post open to him for promotion is that of

Fire Officer. It is alleged by the applicant that post was lying vacant from 1.1.1986 and he should have been promoted to that post on ad hoc basis.

3. On the last date we had directed the respondents to produce a copy of the Recruitment Rules for the post of Fire Officer. Mr. Sethna has however today produced a copy of the advertisement published by the Union Public Service Commission for the post of Fire Officer. According to the advertisement, essential qualification for the post of Fire Officer are :

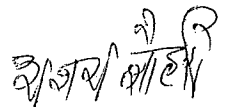
- "i) Graduateship or Associate Membership of the Institute of Fire Engineers or equivalent qualification.
- ii) About 5 years practical experience in a responsible capacity in one of the Fire Brigades in Civil/Defence Service Establishment."

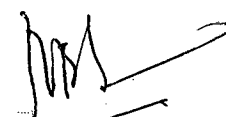
It was not disputed before us on behalf of the applicant that the applicant is not having qualification no. 1. Moreover, we are told by Mr. Sethna that one Shri Battra is now appointed as Fire Officer on regular basis w.e.f. 14th December, 1987. There is only one post of Fire Officer and hence the request of the applicant that he should be appointed as Fire Officer on ad hoc basis is not worth considering.

4. Mr. Pradhan submitted that the post of Fire Officer had fallen vacant from 1.1.1986 and at least since then till the appointment of Shri Battra the applicant should have been appointed on ad hoc basis. In other words Mr. Pradhan urged for playing monetary benefits to the applicant on the basis that he had worked on ad hoc basis during that period. This request also cannot be considered now in view of the fact that some other person is appointed on regular basis. When the applicant has not worked as Fire Officer even on ad hoc basis, he cannot be given the remuneration for that post as was urged by Mr. Pradhan the Learned Advocate for the applicant.

5. Another grievance of the applicant was that he was not sponsored for the Station Officer/Instructor Course at National Fire Service College at Nagpur, though he had requested for the same. Mr. Sethna submitted that if the applicant produces a fitness certificate and is prepared to attend that course at his cost by taking necessary leave at his credit, the Respondents will not come in his way.

6. We therefore, find that the application does not deserve to be admitted. In result we reject the application summarily under section 19(3) of the Administrative Tribunal Act, 1985. We however, direct that if the applicant produces a certificate of fitness and if he is prepared to attend the course of Station Officer/Instructor at his own cost and by taking any type of leave due to him, the Respondents shall not come in his way. We, further direct that if the rules permit they may sponsor the candidature of the applicant according to rules.

  
(AJAY JOHRI)  
MEMBER (A)

  
(M.B. MUJUMDAR)  
MEMBER (J)