

(3)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 925/88

XXXXXXXXXXXXXXXXXXXX

DATE OF DECISION 8.1.1993

Shri Baburao Ganpat Sangle Petitioner

None

Advocate for the Petitioners

Versus

Union of India & Ors.

Respondent

Shri R.K.Shetty

Advocate for the Respondent(s)

CORAM:

The Hon'ble Shri Justice S.K.Dhaon, Vice Chairman

The Hon'ble Shri Ms. Usha Savara, Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

NO

S.K.Dhaon
(S.K.Dhaon)
Vice Chairman

NS/

(4)
BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY

OA.NO. 925/88

Shri Baburao Ganpat Sangle ... Applicant

v/s.

Union of India & Ors. ... Respondents

CORAM: Hon'ble Vice Chairman Shri Justice S.K.Dhaon
Hon'ble Member (A) Ms. Usha Savara

Appearance

None for the Applicant

Shri R.K.Shetty
Advocate
for the Respondents

ORAL JUDGEMENT

Dated: 8.1.1993

(PER: S.K.Dhaon, Vice Chairman)

The grievance of the applicant is that although he was eligible to be appointed as a Supervisor, the respondents instead of appointing him appointed somebody else.

2. A reply has been filed on behalf of the respondents. A copy of the reply was served upon the applicant on 10.7.1989. No rejoinder affidavit has been filed.

3. The application has been called ~~out~~ for hearing, no one has appeared in support of this application on behalf of the applicant. We have gone through the application ourselves and we are disposing of the same finally.

4. The material allegations in the application are these. The applicant is an ex-service army personnel. He got re-employment as a Civilian as a fireman on 9.11.1966. He was promoted to the Leading Hand Fire on 20.1.1982. He is the senior most leading hand fire in the Academy at Khadakwasla, Poona. He is qualified to be appointed as a Supervisor.

The post of a Supervisor is not a selection post. In the reply filed, the relevant rules as published in the Gazette of India dated June 5, 1976 have been annexed by means of a photostat copy. The reading of the photostat copy of the rules shows that the post of a Supervisor (Fire) is a selection post. The qualification prescribed for promoting a Leading Hand Fire to the post of a Supervisor (Fire) is :

"Leading Hand (Fire) Selection Grade with 2 years' continuous service in the grade rendered after appointment thereto on a regular basis subject to possessing qualification of Senior Supervisor Course from Defence Institute of Fire Research, Ministry of Defence, New Delhi or Sub-Officer Course from the National Fire Service College, Nagpur, or equivalent."

In paragraph 14 of the reply, it is asserted that the applicant does not possess requisite qualifications to be eligible for promotion for the reasons that he is a Leading Hand Fire (Ordinary Grade) and not Leading Hand Fire (Selection Grade) and he also does not possess the other qualification as laid down in column 12 of the Recruitment Rules as extracted above. As already stated, no rejoinder affidavit has been filed, therefore, the averments made in the reply have got to be accepted as correct. If that be so, the applicant cannot have any grievance as he does not fulfil the requisite qualification.

5. This application has no merits, it is dismissed but without any order as to costs.

U. Savara
(MS. USHA SAVARA)
MEMBER (A)

S.K. Dhaon
(S.K. DHAON)
VICE CHAIRMAN