

(11)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 107/91

Transfer Application No: ----

DATE OF DECISION 14-12-1992

Bapusahab G. Yadav Petitioner

Dr. Avinash Shivade Advocate for the Petitioners

Versus
Union of India and ors.

Respondent

Mr. M. I. Sethna 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 ?

ND

MD

Sub
(S.K.DHAON)
VC

NS/

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A.107/91

Bapusahab G.Yadav,
270, Shivajinagar,
Pune - 411 004. Applicant

-versus-

1. Union of India
through
Ministry of Defence,
South Block,
New Delhi.
2. The Director General of
Ordnance Services,
Army Head Quarters,
New Delhi - 110 001.
3. The Officer-in-charge,
A.O.C. Records,
Secunderabad. Respondents

Coram: Hon'ble Shri Justice S.K.Dhaon,
Vice-Chairman.

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

Appearances:

1. Dr.Avinash Shivade,
Advocate for the
Applicant.
2. Mr.M.I.Sethna
Counsel for the
Respondents.

ORAL JUDGMENT: Date: 14-12-1992
(Per S.K.Dhaon, Vice-Chairman)

The question for our consideration
is as to what should be the date from which
the applicant should be deemed to be promoted
regularly as a Fire Supervisor.

2. The undisputed facts are these:
The applicant passed the Fire Supervisor course
in the year 1981. On 28-3-1984 he was appointed
as a Fire Supervisor on ad-hoc basis. By commu-
nication dt. 22-7-87 he was informed that he
had been promoted on regular basis.

3. According to the applicant he
should be deemed to be regularly promoted

in the year 1981 itself when he passed the examination. According to the respondents the applicant was, in fact, regularly promoted w.e.f. 9-5-1987.

4. To the reply filed on behalf of the respondents the relevant rules as contained in SRO 145, and framed under the proviso to Article 309 of the Constitution, have been annexed. A perusal of the same indicates that for promotion to the Leading Hand(Fire)Selection Grade the qualification is: 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. To the reply a chart has been filed in the form of Ex.'R-2' showing the particulars of the applicant. According to it, the applicant was promoted LHF (SG)on regular basis with effect from 1-2-1984. Therefore, in accordance with the rules aforementioned, the applicant became entitled to be considered for regular promotion on 1-2-1986. It is averred in the reply that the DPC met and ~~the~~ considered the applicant and others and, therefore, he was appointed on regular basis w.e.f. 9-5-1987. It is thus clear that the argument of the applicant that he should be deemed to be regularly promoted as Fire Supervisor from 1981 is neither here nor there. In view of the rules

aforementioned, he cannot take ~~any~~ advantage even of the adhoc appointment made on 28-3-84.

5. The other contention is based on alleged discrimination. In paragraph 4.8 it is alleged that one Om Prakash was working as Fire Engine Driver and after passing the examination of the Supervisor Fire Fighting course he was promoted directly as Supervisor Fire. Then it is mentioned that several other Leading Hands like Gopal Ganpat, B.R.Tandon, B.G.Joshi were also promoted. The instance of one Mr.S.B.Polar ~~is~~ also given. Then it is asserted that certain persons who were junior to the applicant were en masse promoted by order dt. 18-1-1982 on ad hoc basis. This assertion has been categorically denied in paragraph 15 of the reply filed on behalf of the respondents. It is asserted that no one junior to the applicant has been promoted to the post of Supervisor(Fire). As regards Shri Om Prakash it is stated that he passed the prescribed trade test earlier to the applicant and promoted to Leading Hand Fire (Selection Grade) w.e.f. 1-9-1981. Subsequently he passed the Senior Supervisor Fire fighting Course and was promoted to Supervisor(Fire) on 9-4-1985 on his own turn. As regards Shri B.G.Joshi, B.R.Tandon and Gopal Ganpat it is averred that they were promoted to LH(Fire) Selection Grade w.e.f. 1-12-1977 after passing the prescribed trade test and they ^{were} also promoted to Supervisor Fire on regular basis w.e.f. 30-12-1982 respectively after passing the Senior Fire Supervisors Course. Shri S.N.Polar was working as a Fire Engine Driver and has been

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appointed as Supervisor(Fire) directly in terms of SRO 145 dated 27th May, 1976.

No rejoinder affidavit has been filed to deny these assertions. In the absence of any rejoinder affidavit, the assertions made ^{have} in the reply ~~got~~ to be accepted.

6. There is no substance in the application. It is dismissed but without any order as to costs.

U. Savara
(USHA SAVARA)
Member(A)

S.K.Dharon
(S.K.DHARON)
Vice-Chairman

MD