

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH.

Original Application No. 772/93

~~Transfer Application No.~~

Date of decision 10.8.1993

Shri C.M.Rohit Petitioner

Shri I.J.Naik Advocate for the Petitioner

Versus

Union of India & Ors. Respondent

\_\_\_\_\_  
Advocate for the Respondent(s)

Coram :


The Hon'ble Shri M.Y.Priolkar, Member (A)

The Hon'ble ~~Shri~~ Smt. L.Swaminathan, Member (J)

1. ~~Whether the Reporters of local papers may be allowed to see the Judgement ?~~
2. To be referred to the Reporter or not ? N
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 ? N

~~(SMT. L. SWAMINATHAN)~~

~~(J)~~

  
(M.Y. PRIOLKAR)  
M (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH, BOMBAY

DA.NO. 772/93

Shri C.M.Rohit

... Applicant

V/S.

Union of India & Ors.

... Respondents

CORAM: Hon'ble Member (A) Shri M.Y.Priolkar  
Hon'ble Member (J) Mrs.L.Swaminathan

Appearance

Shri I.J.Naik  
Advocate  
for the Applicant

ORAL JUDGEMENT

Dated: 10.8.1993

(PER: M.Y.Priolkar, Member (A))

The applicant who is a Leading Fireman serving at Union Territory of Dadra and Nagar Haveli has the grievance that under the relevant Recruitment Rules for the post of Fire Sub Officer <sup>he</sup> is not eligible for being considered for <sup>to that post,</sup> a promotion, whereas persons holding similar post in the Union Territory <sup>of</sup> Daman & Diu are made eligible for promotion to the post of Fire Sub Officer. According to the applicant, both these Union Territories are under the same Administrator and, in fact, in pursuance of <sup>an</sup> ~~the~~ earlier judgement of this Tribunal, the Administrator himself had ordered on 10.12.1992 that the Recruitment Rules in the two Union Territories for similar or identical or equivalent posts should have maximum possible uniformity. The grievance of the applicant is that inspite of this direction of the Administrator, the Recruitment Rules for the post of Fire Sub Officer in the Union Territory of Dadra and Nagar Haveli were not amended with the result that the applicant <sup>is</sup> not being considered for the promotion to the post of Fire Sub Officer for which vacancy ~~is~~ already existed <sup>3</sup> ~~and~~ <sup>but</sup> this vacancy is ~~pro~~posed to be filled up by Direct Recruitment as per the existing rules.

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2. The applicant has also prayed for an interim order for a direction to the respondents not to select any candidate for ~~the~~ Recruitment to the said post of Fire Sub Officer pending the hearing and final disposal of this application.

3. As stated by the applicant himself, the Administrator has already taken action purported to <sup>be</sup> in pursuance of the judgement of this Tribunal to bring at par, as far as possible, the Recruitment Rules for ~~the~~ similar posts in the <sup>Two</sup> Union Territories. Though the learned counsel for the applicant argued that there was a considerable delay in following up this direction of the Administrator and that more than seven months have elapsed, we do not think that this delay can be considered as abnormal or deliberate only to deny the promotion to the applicant. In any case, it is well settled that vacancies arising prior to the amended recruitment rules have to be filled up only in terms of the then prevailing rules and that any amendment to the recruitment rules can have <sup>only</sup> prospective effect. In view of this, even if we <sup>were to</sup> direct the respondents to amend the rules straight-away to bring them at par with those <sup>of the other</sup> Union Territories, it will not help the applicant as the vacancy has admittedly arisen long back and will have to be filled up in terms of the existing rules for that post. In view of this, we feel that this OA. does not deserve admission and we dismiss this application at ~~the~~ admission stage itself, with no order as to costs.

*Lakshmi Srinivasan*  
(MRS. L. SWAMINATHAN)

MEMBER (J)

*M. Y. Priolkar*  
(M. Y. PRIOLKAR)

MEMBER (A)

mrj.