

(25)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.375/90

Date of order: 15.10.1993

BETWEEN:

Jalumuri Ethirajulu

.. Applicant

A N D

1. The Scientific Adviser to the
Raksha Mantri and Director
General, Research & Development,
Ministry of Defence (R&B Organi-
sation) D.H.O., New Delhi.
2. The Director,
Naval Scientific Technological,
Laboratory, Visakhapatnam.
3. Sri M.Appa Rao, Fire Supervisor,
Naval Scientific Technological
Laboratory, Visakhapatnam.

.. Respondents.

Counsel for the Applicant

.. Mr.M.P.Chandramouli

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

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The applicant who was working as a Leading Hand Fire (L.H.F.) in the Naval Scientific Technological Laboratory (N.S.T.L.) is aggrieved by the respondents' action in denying him promotion to the post of Fire Supervisor and promoting his junior Sri M.Appa Rao respondent No.3 to that post.

2. The facts in this case are not in dispute and they may be stated briefly. For promotion to the post of Fire Supervisor, a Leading Hand Fire should have qualified in the Senior Fire Supervisor course from Defence Institute of Fire Research, New Delhi or the Sub-Officer's course from National Fire Service College, Nagpur. For the purpose of attending Senior Fire Supervisor course at New Delhi a candidate should have qualified in the General Course in Fire Fighting. The applicant was neither sent for General Course in Fire Fighting nor for Senior Fire Supervisor course before he became due for promotion to the post of Senior Fire Supervisor. In 1985 when he was selected for the promotion for the post of Fire ^{Supervisor,} ~~Service~~ the respondents sent him for the Senior Supervisor course at New Delhi. Respondent No.3 who was junior to the applicant was sent to attend ~~the~~ General Course in Fire Fighting. While Respondent No.3 could completed the course successfully, ~~but~~ the applicant was returned by the Defence Institute of Fire Research, New Delhi on the ground that he was not eligible to

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attend the course because he had not completed the General Course in Fire Fighting. This ~~is~~ happened in 1985. There-after respondent No.3 was sent to National Fire Service College, Nagpur where he qualified in the Sub-Officer's course. Consequently when a vacancy in ^{the post of Senior} Supervisor ~~course~~ arose in 1989, respondent No.3 was promoted. The main contention of the applicant is that it was entirely on account of the mis-management of his ~~case~~ ^{career} by the respondents that he was not deputed to attend the requisite training courses sufficiently in time. It was not left open to him to attend the courses because one could only be deputed by the department ~~concerned~~ to attend the said courses against vacancies allotted to the department.

3. The respondents in their counter affidavit have stated that it was a problem to get the requisite number of vacancies allotted ^{to} ~~for~~ depute the employees to attend the various training courses in the Defence Institute of Fire Research and the National Fire Service College. The respondents never intended to harm the career of the applicant as would be evident ^{from} ~~in~~ the fact that in 1985 keeping in view the seniority of the applicant ~~he~~ was deputed to attend the Senior Fire Supervisor course where as, his junior, respondent No.3 was sent to attend the General Course in Fire Fighting. The applicant studied only upto 8th standard where as the respondent No.3 after his appointment in the department became a Matriculate also. Nevertheless the respondents ^{admitted} ~~attempt~~ that promotion to the post of Fire Supervisor is not by selection, ^{but} ~~as such~~

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~~the~~ only by seniority subject to suitability. The respondents have drawn our attention to SRO 82 of 1980 under which the essential requisite qualifications for promotion to the post of Fire Supervisor have been spelt out. There can be no ^{escape} ~~prospect~~ from the fact that for promotion to the post of Fire Supervisor, ^a ~~of~~ Leading Hand Fire has to qualify in Senior Fire Supervisor ^{course} ~~post~~ or Sub-Officer's course from Nagpur.

4. We have heard learned counsel for both the parties. Mr.M.P.Chandramouli, learned counsel for the applicant contended that if the applicant was not ~~be~~ able to successfully complete the laid down training course it was not on account of any omission on his part but it was entirely due to the mis-management of the applicant's case by the concerned officials in the respondent organisation. Mr.N.R.Devraj ^{attempted} ~~admitted~~ to refute the said contention by stating that the respondents, keeping in view the seniority of the applicant ² ~~but~~ ^{did} sponsor him for the Senior Fire Supervisor course at Delhi.

5. The applicant admittedly was senior to respondent No.3. There was also no doubt that, ~~for~~ no fault of the applicant, he could not attend or qualify either in the General Course in Fire Fighting or in the Senior Fire Supervisor course. The applicant was returned from the Defence Institute of Fire Research in 1985 on the ground that he was not eligible to undergo the Senior Fire ^{Supervisor} ~~Supervisor~~ course. He however took his own time and approached the Tribunal only when respondent No.3 was promoted to the post of Fire Supervisor. The

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Copy to:-

1. The Scientific Adviser to the Raksha Mantri and Director General, Research & Development, Ministry of Defence(R&B Organisation) D.H.O., New Delhi.
2. The Director, Naval Scientific Technological Laboratory, Visakhapatnam-27..
3. One copy to Sri. M.P.Chandramouli, advocate, 1-7-139/1, S.R.K.Nagar, Hyd.
4. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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Rsm/-

applicant cannot be faulted because, as already observed, it was entirely on account of the improper action of the concerned officials that the applicant was denied due opportunity to possess the requisite service in training. We, therefore, ^{would not like to} ~~wish~~ to hold that the applicant is guilty of any lapses in this case. In any case, respondent No.3 was promoted to the post of Fire Supervisor in December (29.12.1989) and this application has been filed on 30.4.1990.

6. Undoubtedly the applicant has a genuine grievance. We therefore allow this application with a direction to the respondents to ensure that the applicant is sent for the General Course in Fire Fighting and also the Senior Fire Supervisor Course prior to and before the next vacancy in the post of Fire Supervisor is filled up. On the successful completion of the requisite training courses, if the applicant is found otherwise suitable and promoted to the post of Fire Supervisor, he will be given seniority, on a notional basis, over and above the respondent No.3. The applicant will be entitled ^{to} the monetary benefits only from the date of his assumption of promotional post of Fire Supervisor.

7. The application is disposed of as above without any order as to costs.

CERTIFIED TO BE TRUE COPY

Date.....

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

Copy to:-

1. The Scientific Adviser to the Raksha Mantri and Director General, Research & Development, Ministry of Defence(R&B Organisation) D.H.O., New Delhi.
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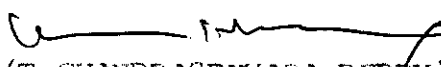
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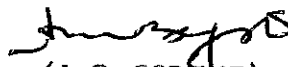
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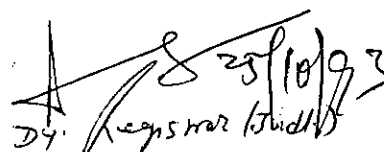

(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTHI)
Member (Admn.)

Dated: 15th October, 1993

(Dictated in Open Court).

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24/10/93
Registrar (Judl.)

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O.A. 375/90

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (A)
AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 15/10/1993

ORDER/JUDGMENT:

M.A./R.A./C.A.No.

in

O.A.No.

375/90

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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