

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH : HYDERABAD

OA.1376/97

Between:

Dated: 21-10-1997

D. Dasarath

.. Applicant.

And

The Additional Secretary,
Department of Atomic Energy, Anushakthi Bhavan,
CSM Marg, Bombay.

2. The Dy. Chief Security Officer, Dept. of Atomic Energy,
O & M Training Section, Anushakthi Bhavan,
CSM Marg, Bombay.

3. The Chief Executive, Nuclear Fuel Complex,
Moulali, Hyderabad.

4. The Chief Administrative Officer, Nuclear Fuel Complex,
Moulali, Hyderabad.

5. The Dy. Chief Fire Officer, Nuclear Fuel Complex,
Moulali, Hyderabad.

6. The Director, National Fire Service College,
Ministry of Home Affairs, Nagpur.

.. Respondents.

Counsel for the applicant : Mr. K.K. Chakravarthi

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

THE HON'BLE MR. B.S. JAI PARAMESHWAR : MEMBER (J)

The Tribunal made the following order:-

Mr. K.K. Chakravarthi, for the applicant and Mr. N.R. Devaraj,
for the respondents.

Admit. Expedite.

If the applicant submits his application before the last date
the same should be forwarded to the Training Institute. But his
admission in training is subject to the result in this O.A.



Deputy Registrar (J)

A 12 (31)
p-28

Government of India
Department of Atomic Energy
O&M/Trg. Section


Anushakti Bhavan,
C.S.M.Marg,
Mumbai-400 039

Sub: Sub-Officers course at NFSC Nagpur-
Eligibility Conditions- regarding

Dy. Chief Fire Officer, Nuclear Fuel Complex, Hyderabad may please refer to his letter No. NFC/FS/Trg/96/114 dated 15-6-1996 on the above mentioned subject.

In this connection, I am directed to inform you that the terms and conditions regarding eligibility for nominations are being decided by Ministry of Home Affairs, NFSC, Nagpur authorities and not by the Department. However, a copy of instructions received from MHA/NFSC, Nagpur on the subject is sent herewith for ready reference.

Further, it is also intimated that instructions if any, issued by the Department or BARC may also be comply while nominating officers for NFSC courses. A copy of DAE letter No. 16/7(1)/96-trg/150 dated May 20, 1996 issued by this Department to all units is also enclosed.


(S.D. Mathur)
Junior Analyst

DCFO, (Shri S. Prasada Rao), NFC, Hyderabad.

DAE ID Note No.16/7(1)/96/Trg./233

July 31, 1996.



OA.1376/97

1. The Additional Secretary, Dept. of Atomic Energy, Anushakthi Bhavan, CSM Margh Bombay.
2. The Dy.Chief Security Officer, Dept. of Atomic Energy, @ & M Training Section, Anushakthi Bhavan, CSM Marg, Bombay.
3. The Chief Executive, Nuclear Fuel Complex, Moulali, Hyderabad.
4. The Chief Administrative Officer, Nuclear Fuel Complex, Moulali, Hyderabad.
5. The Dy.Chief Fire Officer, Nuclear Fuel Complex, Moulali, Hyderabad.
6. The Director, National Fire Service College, Ministry of Home Affairs, Nagpur.
7. One copy to Mr. K.K.Chakravarthy, Advocate, CAT., Hyd.
8. One copy to Mr. N.R. Devaraj, Sr.CGSC., CAT., Hyd.
9. One duplicate copy.

srr

C.C. Today.

(4)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 21-10-97

ORDER/JUDGMENT

M.A/R.A/C.A.NO.

in

O.A.NO. 1376/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

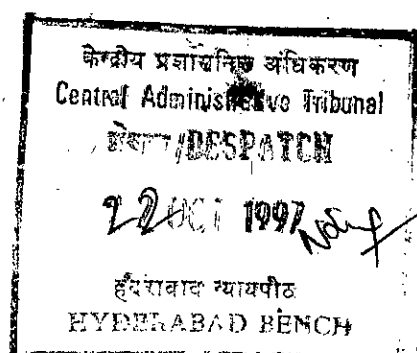
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH ::
AT HYDERABAD

O.A.NO.1376 OF 1997

BETWEEN

D.Dasarath

.. Applicant

And

The Additional Secretary
Department of Atomic Energy
Anushakti Bhavan
Union of India
C.S.M. Marg
Mumbai - 400 039 and others

.. Respondents

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

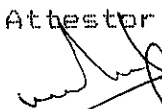
I, Saini Goverdhan Rao, S/o S.Sanjeeva Rao, aged 36 years, resident of Krishnanagar Colony, Moula Ali, Hyderabad do hereby solemnly affirm and state as under:

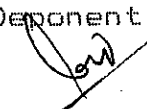
1. I am the Administrative Officer of Nuclear Fuel Complex, as such I am aware of the facts of the case and hence filing this counter affidavit on behalf of all the respondents, as I am authorised to do so.


2. In order to appreciate the background of the case, the respondents submit a brief account of the circumstances which lead to the non sponsoring of the application to the Sub Officers Training Course under the National Fire Service College, Nagpur is given below:

Attestor

Deponent


वी. वी. रामी रेड्डी
V. V. RAMI REDDY,
सहायक कार्यालय अधिकारी
Asst. Personnel Officer,
भारत सरकार/Govt of India,
ना ई स / Nuclear Fuel Complex
हैदराबाद/HYDERABAD-500 062.


S. GOVERDHAN RAO
Administrative Officer
Govt. of India
Dept. of Atomic Energy
NUCLEAR FUEL COMPLEX
Hyderabad-500 062.


22/12

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The Applicant has joined NFC on 9.6.82 and has been working as Fireman/B in Nuclear Fuel Complex with effect from 1.2.92. He has applied for 25 weeks Sub Officers' Training Course conducted by the National Fire Service College, Nagpur as a private candidate during the period 1991. His application though provisionally accepted, was not finally accepted and thus he was not allotted the seat by the above college due to technical reasons. Later, he again applied for the training during November, 1992 and his application was not accepted by the said college. The Applicant has submitted his application for sponsoring to the above training course third time during March, 1997 and this was also not accepted. His application cannot be sponsored as an official candidate, as other officials senior to him in the Grade of Leading Fireman/B, Fireman/C, Leading Fireman/A are available, who have not been trained in the above course. In case the Applicant was to be treated as an official candidate, it would have deprived the claim of other legitimate and eligible senior employees. Therefore, the application of the Applicant as official candidate for the training was not rightly sponsored.


3. The Respondents submit their reply to O.A. para wise as follows:

Attestor



वी. वी. रावी रेड्डी
V. V. RAMI REDDY,
सहायक कार्मिक अधिकारी
Asst Personnel Officer,
भारत सरकार/Govt of India,
मा.ई.स./Nuclear Fuel Complex
हैदराबाद/HYDERABAD-500 062

Deponent



S. GOVERDHAN RAO
Administrative Officer
Govt. of India
Dept. of Atomic Energy
NUCLEAR FUEL COMPLEX
Hyderabad-500 062.

3.1 Para 1,2,3,4 and 5 being formal and factual no specific reply is called for.

3.2 In reply to para 6 (a), it is submitted that the National Fire Service College conducts training courses for the fire service personnel both working in Government Departments as well as to the private persons. Sponsoring the employees to the training courses is at the discretion of the employer depending on the various factors such as availability of the funds, work exigencies, manpower planning and inter se seniority of the eligible staff.

3.3 In reply to para 6 (b), it is submitted that in the year 1991 the Applicant has applied to attend the programme voluntarily to bear the fee at his own cost and by taking leave for the period, as it was not possible for the Department to sponsor him officially since he was not fulfilling the seniority, requirement. His application was forwarded to the National Fire Service College, Nagpur and the Director, NFSC vide letter dated 5th June, 1991 informed that the Applicant was admitted to the Sub Officers' Course to be commenced from 2nd July, 1991 to 21st December, 1991 subject to the submission of a certificate from the employer to the effect that all the expenditure etc., will be borne by the Department. Director, NFSC was informed vide letter dated 22nd June, 1991 that Shri Dasarath's application was forwarded on his own request. Hence, the provisional admission

Attestor



वी. वी. रामी रेड्डी
V. V. RAMI REDDY,
सहायक कार्मिक अधिकारी
Asst Personnel Officer,
भारत सरकार/Govt of India,
ना.ई.स./Nuclear Fuel Complex
हैदराबाद/HYDERABAD-500 062

Deponent



S. GOVERDHAN RAO
Administrative Officer
Govt. of India
Dept. of Atomic Energy
NUCLEAR FUEL COMPLEX
Hyderabad-500 062.

was cancelled. It is also submitted that the contention of the Applicant that this training is a must for his further promotion is incorrect. The promotional avenues of Fireman are given below:

Fireman/B to Fireman/C	.. 7 to 10 years experience based on merit.
Fireman/B & Fireman/C to Leading Fireman/B.	.. 5 years experience by selection.

Shri Dasarath is only a Fireman/B and his next promotion is to the grade of Fireman/C or Leading Fireman/B, for which this training certificate is not an essential qualification.

3.4 In reply to para 6 (c), as submitted above, as the Applicant has come forward to undergo the training at his own cost and by taking leave, his application was forwarded to the NFSC and the last page of the application was not signed by NFC authorities, as he was not being sponsored as a Departmental candidate. The provisional admission of the Applicant is presumably cancelled because he was not an officially sponsored candidate, and hence his allegation that the Respondent 4 and 5 are responsible for the lapse is not acceptable.

Attestor

Deponent

वी. वी. रामी रेड्डी
V. V. RAMI REDDY,
सहायक कार्मिक अधिकारी
Asst Personnel Officer,
भारत सरकार/Govt of India,
नाई स./Nuclear Fuel Complex
हैदराबाद/HYDERABAD-500 062

S. GOVERDHAN RAO
Administrative Officer
Govt. of India
Dept. of Atomic Energy
NUCLEAR FUEL COMPLEX
Hyderabad-500 062.

3.5 In reply to para 6 (d), it is submitted that his applications were not considered by the National Fire Service College, Nagpur for the 65th and 66th course.

3.6 In reply to para 6 (e) & 6 (f), it is to submit that NFC, a Unit of the Department of Atomic Energy is responsible for manufacture of strategic material and it is always necessary to have sufficient Fire Staff in position for safety reasons. Keeping in view the manpower planning, requisite number of eligible staff members are sponsored for the appropriate training based on functional grounds and seniority. However, if any employee comes forward to undergo the training at his own cost, depending upon the exigencies of work, their applications are forwarded and allowed to undergo training, if selected, by granting leave. As stated above, application of Shri Dasarath was also forwarded twice earlier. The contention of the Applicant that his juniors were trained is also not correct. The Applicant has submitted incorrect and false information to mislead the Hon'ble Tribunal. It is a fact that he was informed vide this office letter dated 26.8.1997 that his case will be considered at the appropriate time.

3.7 In reply to para 6 (g), it is submitted that as stated above the Department is not responsible for not accepting his nomination by the National Fire Service College, Nagpur in the

Attestor
 श्री. वी. रामी रेड्डी
 V. V. RAMI REDDY,
 महावक्त्र कार्यालय अधिकारी
 Personnel Officer,
 भारत सरकार, Govt of India,
 ना ई स 'Nuclear Fuel Complex
 हैदराबाद/HYDERABAD-500 062.

Deponent
 S. GOVERDHAN RAO
 Administrative Officer
 Govt. of India
 Dept. of Atomic Energy
 NUCLEAR FUEL COMPLEX
 Hyderabad-500 062

year 1991 or on subsequent occasions and no junior to the Applicant was sent for training from this Organisation. Even if some juniors from the other Units were sponsored for training, it will have no bearing on the promotional avenues of the Applicant as each Unit maintains separate seniority lists of the Fireman. As has been submitted in para 6 (b) above, undergoing the training is not an essential requirement for promotion to the next higher grade. It is also submitted that for undergoing the training in Sub Officers' Course, age limit has been removed vide National Fire Service College's Circular dated 27.8.1997 and hence the contention of the Applicant that he will be barred for such training on his attaining the age of 40 years is also not correct.

4. In view of the fact that it is not obligatory on the part of the Department to sponsor the employees as inservice candidate for the training and that this training is not a must for promotion to the next Grade and also that none of his juniors was sponsored by this Unit, for this training, the relief sought for is totally baseless.


For the reasons stated above, the Applicant has not made out any case either on facts or on law and there is no merit in the O.A. It is, therefore, prayed that this Hon'ble Court may be pleased to dismiss the O.A. with costs and pass such further

Attestor



वी. वी. रामी रेड्डी
V. V. RAMI REDDY,
सहायक कार्मिक अधिकारी
Asst. Personnel Officer,
भारत सरकार, Govt of India,
ना.ई.स. / Nuclear Fuel Complex
हैदराबाद/HYDERABAD-500 062.

Deponent


S. GOVERDHAN RAO
Administrative Officer
Govt. of India
Dept. of Atomic Energy
NUCLEAR FUEL COMPLEX
Hyderabad-500 062.

and other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Attestor



वी. वी. रावी रेड्डी
V. V. RAMI REDDY,
सहायक कार्मिक अधिकारी
Asst. Personnel Officer,
भारत सरकार/Govt of India,
नाईल/Nuclear Fuel Complex
हैदराबाद/HYDERABAD-500 062
VERIFICATION

Deponent

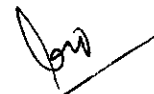


S. GOVERDHAN RAO
Administrative Officer
Govt. of India
Dept. of Atomic Energy
NUCLEAR FUEL COMPLEX
Hyderabad-500 062

I, Saini Goverdhan Rao do hereby verify that the statements made above are true to the best of my knowledge and based on records believed to be true. Nothing false has been suggested and no material fact has been suppressed.

Place : Hyderabad

Date : 22-12-97



S. GOVERDHAN RAO
Administrative Officer
Govt. of India
Dept. of Atomic Energy
NUCLEAR FUEL COMPLEX
Hyderabad-500 062.

Before me

Type
9/11/97

①
Government of India
Department of Atomic Energy
O&M/Trg. Section

Anushakti Bhavan,
C.S.H. Marg,
Mumbai - 400 039

No. 16/7(1)/97-Trg./ 194

October 1, 1997

E N D O R S E M E N T

Subject: . Programme of Courses Scheduled for the "Year" 1998
at National Fire Service College, (NFSC) Nagpur . -
Nominations regarding

A copy of a letter No. FC/70-3/97 dated 27/8/1997 received from the Assistant Director, NFSC, Nagpur, Ministry of Home Affairs, Govt. of India, on the above subject is forwarded herewith for information and necessary action please.

I am directed to request you to forward the suitable nominations if any, to the undersigned, one month in advance from the last date of receipt of application at National Fire Service College, Nagpur as indicated in the above programmes.

Encl: 1

(S.K. Saraf)
Chief Security Officer

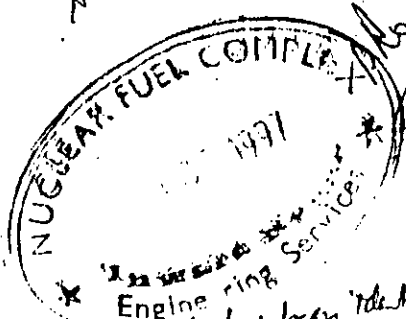
To

All Adm. Heads of the DAE Units/PSUs/Aided Institute

Handwritten: Nominations, if any as per the guidelines may pl be sent to Chairman T.S. Comd AEE.

Handwritten: J. and
6/10/97

Handwritten: Sh. T. Venkatarao
Dgr ES.



Handwritten: The services of the identified and proposed for nomination to undergo the course

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No.FC/70-3/97
Government of India
Ministry of Home Affairs
National Fire Service College

Nagpur: 440001, the

27-8-97

PROGRAMME OF COURSES SCHEDULED FOR THE YEAR 1998 AT NFSC. NAGPUR.

Sr. No.	Course	Duration	Last date of receipt of application.	Period
1.	75th Sub-Officers Course	25 weeks	23/11/97	5/1/98 to 26/6/98
2.	77th Sub-Officers Course	25 weeks	22/5/98	6/7/98 to 24/12/98
3.	45th Station Officers & Instructors Course	25 weeks	23/11/97	5/1/98 to 26/6/98
4.	36th Divisional Officers Course	22 weeks	22/5/98	6/7/98 to 4/12/98
5.	20th Fire Prevention Course	6 weeks	20/12/97	2/2/98 to 13/3/98
6.	27th Breathing Apparatus Course	12 working days.	29/5/98	13/7/98 to 28/7/98
7.	Workshop			to be decided later on
8.	B.E.(Fire) III year	3½ years		
9.	B.E.(Fire) II year	3½ years		
10.	B.E.(Fire) I year	3½ years		

NOTE:

- The application form & rules for various courses can be had from the Director on request by the sponsorer. Xerox copies of the application will also be accepted.
- Seats shall be allotted only on consideration of all information furnished in the application form. No seat can be reserved on request by telegram/FAX etc.
- Candidates must not report without the allotment order.
- Lodging and boarding is compulsory.
- AGE: No age bar for inservice candidates for undergoing Sub-Officers, Station Officers & Instructors Course and Divisional Officers Course. However, the sponsored candidates must be physically fit and mentally alert to endure the stress and strain of practical training.
- Public Undertakings/Corporations/Municipalities should send the applications of their nominees through the State/Parent Ministry.
- Sponsorship of private undertakings is not accepted.
- No enquiry on admission is entertained.

108. Dy. Chief Security Officer,
Anushakti Bhawan, GOI,
Chhatrapati Shivaji Maharaj Marg,
BOMBAY - 400 039

27/8/97

ASST. DIRECTOR (TRO)
GOVT. OF INDIA
MINISTRY OF HOME AFFAIRS
NATIONAL FIRE SERVICE COLLEGE
NAGPUR.

In the C.A.T
And Bench

OA 1376/97

Reply Statement



Filed by—

N. R. Denny

may 20 1997

(44)

LIST OF FIREMAN/B WORKING IN NFC

SLNO	ECNO	NAME	GRADE	DATE APPT
1	1184	SASHIKANT GIRI	FM(B)	01/02/89
2	2708	K. SURESH LAL	FM(B)	01/02/89
3	3624	M SURYA PRAKASH	FM(B)	01/02/92
4	3697	S SATYANARAYANA	FM(B)	01/02/92
5	3726	V RAGHURAJ	FM(B)	01/02/92
6	3890	N NAKASIMHA	FM(B)	01/02/92
7	3960	D DASHARATH	FM(B)	01/02/92
8	3949	F NARAYANA	FM(B)	01/08/92
9	3950	M CHANDRASEKHARA RAJU	FM(B)	01/08/92
10	3952	Y RAMACHARY	FM(B)	01/08/92
11	3953	D HARI KRISHNA	FM(B)	01/08/92
12	3955	T BALARAJA	FM(B)	01/08/92
13	4245	G GANESH REDDY	FM(B)	01/08/92
14	4246	S SHANKAR RAO	FM(B)	01/08/92
15	4253	A NARENDER	FM(B)	01/08/92

वी. वी. रामी रेड्डी

V. V. RAMI REDDY,

सहायक कार्मिक अधिकारी

Asst. Personnel Officer,

भारत सरकार, Govt. of India,

नाईट / Nuclear Fuel Complex

हैदराबाद/HYD-ER-500-500 082

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

O.A.NO.1376 OF 1997

BETWEEN:

D.Dasarath,
S/O.Ramachandra jee,
aged 39 years, Fireman B,
E.C.No.3960, working in NFC
Fire services, Moulali, Hyderabad-62.Applicant.

and

1.The Union of India Rep.by
its Additional Secretary,
Department of Atomic Energy,
Anushakthi Bhavan,
CSM Marg, Bombay-39.

2.The Dy.Chief Security Officer,
Department of Atomic Energy,
O & M Training Section,
Anushakthi Bhavan,
CSM Marg, Bombay-39.

3.The Chief Executive,
Nuclear Fuel Complex,
Moulali, Hyderabad-62.

4.The Chief Administrative Officer,
Nuclear Fuel Complex,
Moulali, Hyderabad-62.

5.Dy.Chief Fire Officer,
Nuclear Fuel Complex,
Moulali, Hyderabad-62.

6.Director,
National Fire Service College,
Ministry of Home Affairs,
Government of India,
Nagpur-1.Respondents.

REJOINDER FILED BY THE APPLICANT

I, D.Dasarath, S/O.Ramachandraji, aged 39 years Fireman-B
working in NFC Fire services, Moulali, do hereby solemnly
affirm and state on oath as follows:

1. I have filed the above O.A. praying the Hon'ble
Tribunal to declare that the action of the respondents 3 to
5 in not sponsoring the name of the applicant to the 75th sub
officers post at National Fire Service College, Nagpur is
illegal, arbitrary and contrary to the rules, consequently

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directing the respondents 3 to 5 to forward the application of the applicant to the 7th sub officer's course to the 6th respondent through the respondent's 1 and 2 by receiving the application with immediate effect.

2. The said O.A. came up before the Hon'ble Court on 21/10/97 and admitted. An interim direction was also granted as follows:

Admit. Expediate.

3. If the applicant submits his application before the last date the same should be forwarded to the Training Institute. But his admission in training is subject to the result in this OA.

4. Basing on the above I submitted my application which was forwarded by the department to the 6th respondent and the same was admitted and a seat was allotted.

5. I have also filed another M.A. 1147 of 1997 praying the Hon'ble Court to give a direction to relieve me in advance not later than one week from the date of commencement of the course.

6. The course is going to be commenced from 5/1/98.

7. The respondents filed their counter affidavit denying the averments. Since some additional facts are to be submitted I am advised to file this rejoinder.

8. I submit the 4th respondent filed his counter. The others did not file any counter. In para 2 it is stated that I was sponsored as a private candidate during the period 1991. It is not true. Annexures A6 and A7 filed along with my O.A. reveals that I have been sponsored as an official candidate through the B.R.C., at Mumbai. Further my seat allotted was cancelled by 6th respondent not for any technical reason but for not filling the page 3 by the respondents. The lapse is on the part of the respondents.

and to coverup the same they are now stating it was due to technical reason which is incorrect.

9. With regards to the averments made in para 3(2) it is submitted that there are no other candidates to be sent for training and I may be sponsored for the course as my application was forwarded and seat was allotted.

10. With regards to the averments in para 3(3) it is submitted that there are 5 leading Fireman in the organisation and 4 are trained 2 are not eligible. In the grade of Fireman-C there are 6 who are not willing to go. The only one candidate Sri.K.Sureshial fireman-B who was available was sponsored by the respondents for training. Hence I can be sponsored and relieved for the training.

11. With reference to the averments made in para 3(5) I submit that for the course of 65th batch it was delayedly sent. For the course of 66th batch I was sponsored but not considered. I have filed annexure-11 to show the same.

12. For the reply in para 6 it is submitted that my application for 75th course was not considered and sent. For the 76th course I made an application and the respondents stated that my senior was considered. In fact my senior's application was not sent. My application was unnecessarily withheld depriving me of the opportunity.

13. With reference to the averments made in para 4 it is submitted in the previous occasions in the year 1978 one S.Baburao and Akram Ali were sent to the training and they were presently working. The S.Babu Rao got the promotion also. Hence the contention of the respondents that it is not obligatory on the part of the department to sponsor the employees as inservice candidates for the training is incorrect and because I happened to be an employee and the course is intended for further promotion.

BEFORE THE CENTRAL ADMINISTRATIVE
TRIBUNAL AT HYDERABAD

M.A.NO. OF 1997

IN

D.A.NO. 1376 OF 1997

BETWEEN:

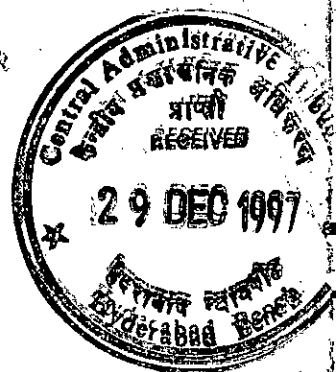
D. Dasarath,
S/O. Ramachandra Raju,
Aged 39 years, Fireman B,
M.C.No: 3960, working in NFC
Fire services, Moulali, Hyderabad-62.
...applicant.

and

1. The Union of India Rep. by
its Additional Secretary,
Department of Atomic Energy,
Anushakthi Bhavan,
CSM Mar 6, Bombay-39.
and 5 others.

...respondents.

REJOINDER



FILED ON:

24-12-97
29-12-97

FILED BY: Sri. K.K. Chakravarthy,
H.No. 2-104, Maruthinagar,
Hyderabad-660.

ADVOCATE.

I must be deputed for training for which the 6th respondent already allotted a seat provisionally.

14. Under the above circumstances I pray the Hon'ble Tribunal to allow my O.A. with a direction to the respondents to depute me for training by relieving me sufficiently in advance before 1/1/98 and pass such other order or orders that are deem fit and necessary in the interest of justice.

Solemnly affirmed and
signed before me on this the
26th day of December 1997 at Hyderabad.

Advocate, Hyderabad.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.1167/97 & O.A.NO.1376/97.

Date of Order:-9-1-98.

Between: R.

D.Dasarath.

.. Applicant.

and

To

1. The Additional Secretary,
Dept.of Atomic Energy, Union of India,
Anushakti Bhavan, CSM Marg, Bombay-39.
2. The Deputy Chief Security Officer,
Dept.of Atomic Energy O&M Training Section,
Anushakti Bhavan, CSM Marg, Bombay-39.
3. The Chief Executive,
Nuclear Fuel Complex, Moulali, Hyderabad-62.
4. The Chief Administrative Officer,
Nuclear Fuel Complex, Moulali, Hyderabad-62.
5. The Deputy Chief Fire Officer,
Nuclear Fuel Complex, Moulali,
Hyderabad-62.
6. Director, National Fire Service College,
Ministry of Home Affairs, Govt.of India,
Nagpur-1.

.. Respondents.

Mr. K.K.Chakravathy, Advocate for the Applicant.

Mr. N.R.Devraj, Sr.CGSC for the Respondents.

CORAM:

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER (ADMN)

THE HON'BLE MR.B.S.JAI PARAMESWAR : MEMBER (JUDL)


O.A.NO.1376/97./ M.A.NO.1167/97.

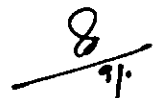
9-1-1998.

Part-heard.

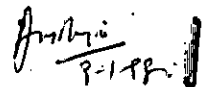
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HBSJP
MEMBER(J) 9-1-98


HHRP
MEMBER(A).

es. today.


9-1-98
DNC.

D. Dasakath.

.. Applicant.

and

To

1. The Additional Secretary,
Dept. of Atomic Energy, Union of India,
Anushakti Bhavan, CSM Marg, Bombay-39.
2. The Deputy Chief Security Officer,
Dept. of Atomic Energy O&M Training Section,
Anushakti Bhavan, CSM Marg, Bombay-39.
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Nagpur-1.

.. Respondents.

- 7 Mr. K.K. Chakravarthy, Advocate for the Applicant.
- 8 Mr. N.R. Devraj, Sr. CGSC for the Respondents.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN
AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

The Hon'ble Mr. B. S. Gaiparameswar, M.J.

DATED: 9 - 1 - 1998

ORDER/JUDGMENT:

M.A./R.A./G.A.No. 1162/97

in

O.A.No. 1376/97.

T.A.No. QW.R

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

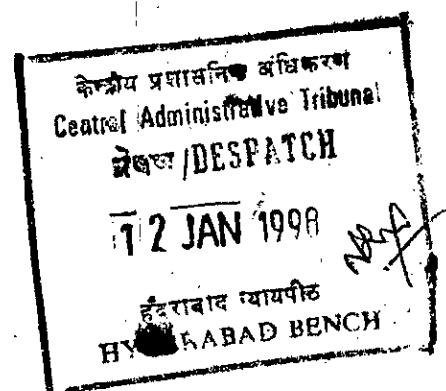
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



(53)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDER ABAD BENCH

Original Application No. 1376/1997

DATE OF DECISION: 24.2.98

D. Dasarath.

-----Petitioner(s)

Sri K.K. Chakraverty

-----Advocate for the
Petitioner(s)

Versus

① Union of India & S Others.

-----Respondent(s)

Sri N.R. Dewraj

-----Advocate for the
Respondent(s)

THE HON'BLE SHRI ARASENDRA PRASAD, MEMBER (A)

THE HON'BLE SHRI B.S. SAI PARAMESHWAR, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see no
the judgement?
2. To be referred to the Reporter or not ? no
3. Whether their Lordships wish to see the fair copy of no
the Judgement?
4. Whether the Judgement is to be circulated to the other no
Benches?
avl/

Judgement delivered by Hon'ble Shri B.S. SAI PARAMESHWAR,
MEMBER (J)

Jai

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH: AT
HYDERABAD

C.A.No.1376 OF 1997.

Date of Order: 22. 2. 1998

Between:

D.Dasarath.

.. Applicant

and

1. The Union of India, rep. by its
Additional Secretary, Department of
Atomic Energy, /CSM Marg, Bombay-39.
Anushakti Bhavan,
2. The Dy.Chief Security Officer,
Department of Atomic Energy, O & M
Training Section, Anushakthi Bhavan,
CSM Marg, Bombay-39.
3. The Chief Executive, Nuclear Fuel Complex,
Moulali, Hyderabad-62.
4. The Chief Administrative Officer,
Nuclear Fuel Complex, Moulali,
Hyderabad-62.
5. Dy.Chief Fire Officer, Nuclear Fuel Complex,
Moulali, Hyderabad-62.
6. Director, National Fire Service College,
Ministry of Home Affairs, Government of India,
Nagpur-1.

.. Respondents

COUNSEL FOR APPLICANT(S) : Mr.K.K.Chakravarthy.

COUNSEL FOR RESPONDENTS : Mr.N.R.Devraj.

CORAM:

THE HON'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

AND

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

(AS PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL))

Heard Sri K.K.Chakravarthy, learned Counsel for the
Applicant and Sri N.R.Devraj, learned Senior Standing Counsel
for the Respondents.

Fr

2. This is an application under section 19 of the Administrative Tribunals Act. The application was filed on 3-10-1997.

3. The facts giving raise to this O.A. may, in brief, be stated thus:-

(a) The applicant is a graduate in Arts, has undergone First Aid Fire Fighting Course from A.P.F.S. Civil Defence and claims to have possessed a Driving Licence.

(b) He has been working as a Fireman 'B' under the respondents 3 to 5 since June, 1982.

(c) The National Fire Service College, Nagpur (in short "the College") imparts training to the candidates sponsored by the undertakings/organisations and to those candidates who qualify themselves at the Entrance Examination conducted on All India basis. The 76th Sub Officers Training Course was to start at the college from January, 1998. Nominations were received for the said training. The respondent no. 6 was required to receive the nominations before 4-11-1997 to participate in the said course.

(d) The applicant is keen and anxious to undergo the Sub-Officers Training Course at the said college. He has explained certain circumstances under which/^{his} efforts to get his name sponsored by the respondents 3 to 5 to participate in the course proved futile.

(e) He had submitted his application to participate in the 76th Sub Officers Course at the college.

(f) Apprehending that his application may receive the same fate as his earlier applications, at the hands of the respondents 3 to 5, the applicant/^{has} filed this O.A. for the following reasons:-

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"to declare that the action of the respondents 3 to 5 in not sponsoring the name of the applicant to the 75th sub officers post at National Fire Service College, Nagpur is illegal, arbitrary and contrary to the rules, consequently directing the respondents 3 to 5 to forward the application of the applicant to the 76th sub officer's course to the 6th respondent through the respondents 1 and 2 by receiving the application with immediate effect."

(g) On 21-10-1997 an Interim Order was passed directing the respondents 4 and 5, in case, the applicant submits his application before the last date, the same shall be forwarded to the training institute, however, his admission to the training is subject to the result of the O.A.

(h) As already stated the 76th Sub Officers Training Course was to commence from 12-1-1998. Therefore, the applicant prayed for an interim direction in M.A.No.1167/1997. Then considering the exigencies of the case we passed the Order on 9-1-1998 as follows:-

"Pending final disposal of this case, as an interim measure, it is directed that, should the applicant so desire, he shall have to attend the course initially as a private candidate from the NFC. The costs etc., shall be borne by him. Necessary leave for this purpose, if applied for, shall be granted by the respondents. If the O.A. is eventually allowed on merits, the respondents shall have to accept the liability of reimbursing him the cost of his training, besides treating him as on duty instead of being on leave now sanctioned.

Re

If, on the contrary, the O.A. is disallowed on merits, nothing more needs to be done and no advantage of having done this course shall accrue to the applicant over any of his seniors for any promotion."

(i) The respondents have filed their counter. They have explained the circumstances under which the earlier applications of the applicant could not be sponsored by them. Further they submit that sponsoring any of the employees to the training course is at the discretion of the employer depending upon the various factors, such as, availability of funds, work exigencies, man power, planning and inter-se seniority of the eligible employee. They further submitted that there are six persons working as Firemen 'B' above the applicant. They submit that the training is neither advantageous to the organisation nor beneficial to the employee. In that they submit that employee may not get any financial benefit after undergoing the training course. Further, the respondents made clear that in case any of its employees are willing to undergo the training at the college at their own expense, it is prepared to sanction leave. Thus they contended that the applicant in this O.A. is not entitled to any reliefs.

(j) After we passed the Interim Order, the respondents sanctioned the leave to the applicant and permitted him to attend the 76th sub officers' course. Then the college refused his admission to the training on the ground that there was no provision for admitting any sponsored candidate on his own expenses on leave and further clarified that candidates attending sub-officers course at their own expense on leave are required to appear for the All India Entrance Examination and figure in the merit list.

R

-5-

(k) Thus they pleaded inability to admit the applicant as he was not qualified himself to undergo the training at his own expenses on leave without sponsoring by the respondents 3 to 5.

(1) The respondents 3 to 5 have made their stand clear. They submit that sponsoring the candidate to undergo the training at the college depends upon various factors and interse seniority. From the seniority list produced it is clear that the name of the applicant is at serial no.7 and there are six persons above him. Further, they have stated that undergoing the training at the college is neither advantageous to the organisation nor beneficial to the employee. Further they have made it explicit that they are prepared to permit any of the candidate who desires to undergo the training at the college provided he himself undertakes to bear the expenses of the training.

4. In this view of the matter, we feel we cannot compel the respondents to permit or sponsor the applicant to undergo the training course at the college.

5. In case the applicant is serious to participate in the training, he has to try his luck by appearing for the Entrance Examination conducted on All India basis, in which event the respondents 3 to 5 are prepared to sanction leave and the applicant must bear the costs of the training.

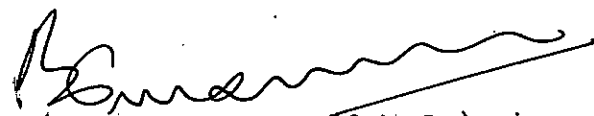
6. In view of this situation, it cannot be reasonable for this Tribunal to compel the respondents 3 to 5 to sponsor the name of the applicant to the training course at the college ignoring its own requirements interse seniority and necessity or otherwise.

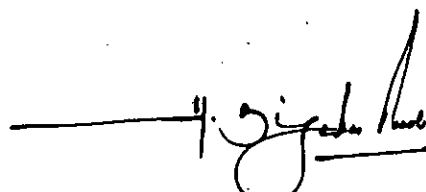
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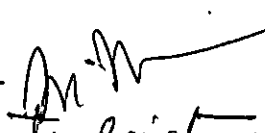
7. In this view of the matter, the O.A. has no merits. Hence the O.A. is dismissed leaving the parties to bear their own costs.

8. As the O.A. has been dismissed, no directions are necessary in the M.A. MA is also dismissed.


(B.S.JAI PARAMESHWAR)
MEMBER(J)


(H. RAJENDRA PRASAD)
MEMBER(A)

Dated: 20th Feb. 1998


Deputy Registrar

DSN

O.A. 1376/97

To

1. The Additional Secretary, Dept. of Atomic Energy, Anushakti Bhavan, CSM Marg, Union of India, Bombay-39
2. The Deputy Chief ~~Secretary~~ Security Officer, Dept. of Atomic Energy, O & M Training Section, Anushakti Bhavan, CSM Marg, Bombay-39.
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5. The Deputy Chief Fire Officer, Nuclear Fuel Complex, Moulali, Hyderabad-62.
6. The Director, National Fire Service College, Ministry of Home Affairs, Govt. of India, Nagpur-1.
7. One copy to Mr. K. K. Chakravarthy, Advocate, CAT. Hyd.
8. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
9. One copy to HBSJP. M. (J) CAT. Hyd.
10. One copy to D. R. (A) CAT. Hyd.
11. One spare copy.

pvm.

26/2/98

I Court

TYPED BY
COMPAED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE
VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

The Hon'ble Mr. B.S. Jai Parameswar: M(C)

DATED: 20-2-1998

~~ORDER~~ JUDGMENT:

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

in

O.A.No. 1376/97

T.A.No. (W.P.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
बेसपच/BESPATCH
25 FEB 1998
हैदराबाद न्यायपीठ
HYDERABAD BENCH

O.A.NO.1376/97./ M.A.NO.1167/97.

9-1-1998.

Part-heard.

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प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY
न्यायालय अधिकारी/टप रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपट्ट
HYDERABAD BENCH

11/167/97

केस संख्या	CASE NUMBER
निर्णय का तारीख	Date of Judgment
प्रति सचिव न्याय न्याय	Copy Made By
अनभारत अधिकारी (न्यायिक) उपाधी (न्यायिक)	Section Officer (J) Dy. Registrar

9-1-98

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.1167/97 & O.A.NO.1376/97.

Date of Order:-9-1-98.

Between: R.

D.Dasarath.

.. Applicant.

and

To

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Anushakti Bhavan, CSM Marg, Bombay-39.
2. The Deputy Chief Security Officer,
Dept.of Atomic Energy O&M Training Section,
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HBSJP
MEMBER(J)

HHRP
MEMBER(A).