

41

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL ; HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.945/99

DATE OF ORDER : 4-1-2000

Between :-

1. G.Purnachander Rao
2. M.Shekar

...Applicants

And

1. The Ordnance Factories Board,
rep. by its Chairman,
10-A, Auckland Road, Calcutta.
2. The General Manager,
Ordnance Factory Project,
Eddumailaram, Medak District.

...Respondents

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Counsel for the Applicants : Mr P. Kishore Rao

Counsel for the Respondents : Mr. B. N. Sarma, Sr. CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI D.H.NASIR : VICE-CHAIRMAN

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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... 2.



(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Shri P.Naveen Rao for Shri P.Kishore Rao, learned counsel for the applicant and Shri M.C.Jacob for Shri B.N.Sharma, learned standing counsel for the Respondents.

2. There are two applicants herein. The first applicant was appointed as Fireman Gr.II with effect from 1.8.1962 and he became Driver Fire Brigade Gr.II with effect from 4.9.1972 and thereafter to the Gr.I in the year 1982.
3. Second applicant was initially appointed as Leading Hand Fire in the year 1973 and he was given special grade in the year 1981.
4. Both of them have got the channel of promotion as Supervisor (Non-technical).
5. As per Recruitment Rule governing the post of Supervisor (Non-technical) ^{is} is to be filled 66 and $2/3^{\text{rd}}$ percentage by direct recruitment and the rest 33 and $1/3^{\text{rd}}$ percentage by promotion from Leading Hand Fore/Driver Fire Brigade with 3 years of regular service and a pass in the (i) Senior Fire Supervisor Course from Defence Institute of Fire Research, Ministry of Defence, New Delhi or (ii) Sub Officer's National Fire Service College, Nagpur, or (iii) Station Officer's course/Asst.Divisional Officer's course from National Fire Service College, Nagpur; or (iv) BE Fore Engineering from Nagpur University or (v) Graduateship from Institute of Fire Engineers UK or Graduateship from Institute of Fire Engineers India. The Respondents have to depute them for the above course and obtain

certificate before they are considered for the post of Supervisor (Non-technical). It is stated by the learned counsel for the applicant that for passing of training course a pass in the 10th standard is ^{not} essential. It is an admitted fact that the applicants herein are not possessing the 10th standard qualification. They submitted representations in November, 1998 (at pages 14 and 15 to the OA) requesting the respondents to consider them for promotion to the post of Supervisor (NT/OTS) comparing their case with that of certain officials who were promoted as Supervisor (NT/OTS) in Ordnance Factory, Ambajhari, Nagpur. It is stated that their cases were not considered except replying them by the order No.02/04/NIE/Estt dated 22.3.1999 (Page-17 Annexure-X to the OA) to the effect that they could not be promoted as Supervisor (Non-technical) as they have not attended the Fire Fighting courses. This reply does not indicate as to why the officials of Ambajhari, Nagpur were promoted as Supervisors (Non-technical) without the 10th pass qualification.

6. A reply has been filed in this OA. The main point to be seen in this ^{reply} ~~OA~~ is whether the applicants fulfill ^{the} conditions stated in the Recruitment Rules for the promotion ^{to the post of} of Supervisor (Non-Technical). The Recruitment Rules is enclosed at (Annexure-R1 to the reply). In part-II the Recruitment Rule for promotion to Supervisor (Non-Technical) has been shown. Column-12 of the Recruitment Rule for promotion of Supervisor is noted as follows :-

Promotion from grades of Security Asstt.'B'/Store Keeper/LDC or equivalent with 3 years of regular service in the grade and

- 4 -

leading Hand Fire/Driver Fire Brigade with 3 years of regular service in grade having passed the :-

(a) Senior Fire Supervisor Course from Defence Instt. of Fire Research, Min. of Defence, New Delhi; or

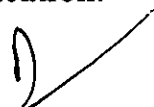
(b) Sub Officer's National Fire Service College, Nagpur; or

(c) Station Officer's Course/Asstt. Divisional Officer's/Divisional Officer's Course from National Fire Service College, Nagpur; or

(d) BE Fire Engg. From Nagpur University; or

(e) Graduateship from Institute of Fire Engineers UK or Graduateship from Institute of Fire Engineers India.

For undergoing the Sr. Fire Service course from Defence Institute of Fire Research, Ministry of Defence, New Delhi qualification required had been indicated in the Factory circular No.06/13/97-A/HRD dated 27.3.1997 (Annexure R-IV page-23 to the Reply). To undergo the training for Sr. Fire Supervisor Course, the education qualification required is 10th standard or equivalent. The Respondents submit that the applicants are not possessing the 10th standard and hence they could not be sent for Sr. Fire Supervisor Course. We have questioned the learned Standing Counsel for the Respondents if so how some officials mentioned in the Annexure-10 to the OA ~~letter~~ of the applicants were sent for the Sr. Fire Supervisor Course. As the applicants allege that those employees of Ambajhari, Nagpur also ^{are} not possessing the 10th standard qualification.



7. Learned standing counsel for the Respondents submits that there is no mention in regard to the above question in the reply.


Hence it has to be held that the reply is deficient.

8. If some relaxation has been given to the ^{officials of the} Ambajhari, Nagpur Staff to be sent for Senior Fire Supervisor training course inspite of the fact that they are also not possessing the 10th standard qualification why such relaxation ^{can} ~~should~~ not be extended to the applicants herein?

9. In view of the above reasoning, we feel that the representations of the applicants at pages 14, 15 and 16 dated 12.11.1998 should be disposed of by Respondent No.2 keeping our observations as above in mind.

10. In the result, the O.A. is disposed of directing Respondent No.2 to dispose of the representations of the applicants dated 12.11.1998 and February, 1999 in accordance with ~~the~~ law within a period of two months from the date of receipt of a copy of this order keeping ^{our} ~~the~~ observations as above especially examining the reasons for sending the Ambajhari staff for the said training course. ^{if they do not possess the 10th std qualification.}

11. The Original Application is ordered accordingly. No order as to costs.



(R.RANGARAJAN)

MEMBER(A)



(D.H.NASIR)

VICE-CHAIRMAN

DATED: 4TH January, 2000.

AVL/

DICTATED IN OPEN COURT.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HDHND
2. HRRN M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A(DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE CHAIRMAN

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

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

* * *

DATE OF ORDER: 4/1/2000

MA/RA/EP.NO.

IN

OA. NO.

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP CLOSED

BA. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

