

**Central Administrative Tribunal
Principal Bench, New Delhi**

R.A. No. 275/2016

MA No.3517/2016

in

O.A. No. 3131/2016

New Delhi, this is the 03rd day of April, 2017

Hon'ble Shri P.K. Basu, Member (A)
Hon'ble Dr. Brahm Avtar Agrawal, Member (J)

1. Govt. of NCTD through Chief Secretary,
Govt. of NCT Delhi,
I.P. Estate, New Delhi-110002
2. The Director
Delhi Fire Service Headquarters,
Cannaught Place, New Delhi-110001
3. The Chief Fire Officer,
Delhi Fire Service,
Connaught Place, New Delhi-110001
4. The Head of Office
Govt. of NCTD,
Shankar Road Division,
Delhi Fire Service, New Delhi-110060
5. Delhi Institute of Fire Engineering
G-579, Raj Nagar Part-II
(Near Dada Dev Mandir),
Sector 07, Dwarka,
New Delhi-77.Review Applicants

(By advocate: Ms. Harvinder Oberoi)

Versus

Sh. Pardeep Kumar (Aged about 36 years)
S/o Sh, Joginder Singh
R/o H. No. 59, V.P.O. Tikri Kalan,
Near Old Chaupal Tikri Kalan,
New Delhi.

...Respondent

(By Advocate: Mr. Anmol Pandita)

ORDER (Oral)

By Hon'ble Shri P. K. Basu, M(A):

Heard learned counsel for parties in RA No.275/2016.

2. The preliminary objection of learned counsel for the original applicant (respondent in RA) is that the RA moved by the respondents for vacation of the interim order dated 24.10.2016 is not maintainable as they have also preferred MA No. 3517/2017 simultaneously seeking stay of the said orders dated 24.10.2016 and 02.11.2016 till disposal of the RA. This is a mere technicality. We treat the RA 275/2016 as MA for vacation of stay as well.

3. When the OA came up before us on 24.10.2016, the applicant had contended before us that though the respondents have granted the NOC to one Shri Manoj Kumar S/o Shri Satvir Singh, to complete the certificate course in the Fire Technology and Industrial Safety Management for the Session 2016-17 from Delhi Institute of Fire Engineering, respondent No. 5, he has been denied such NOC. Believing the above version of the applicant to be true, the Tribunal had passed the order dated 24.10.2016, relevant portion whereof reads as follows:-

"4. At the same time, keeping in to consideration the urgency of the matter, the respondents are directed to issue provisional No Objection

Certificate to the applicant forthwith as has been done in the case of Shri Manoj Kumar, at his own risk and responsibility."

4. It would be clear from the above that the impugned order dated 24.10.2016 was passed basically on the belief, as contended by the applicant, that Shri Manoj Kumar had been granted NOC by the respondents, but the applicant has been denied the same. In this regard, the respondents have attached two orders dated 10.12.2015 and 25.05.2016 issued in respect of Sh. Ajmer Singh and Sh. Bal Dev Solanki, who had filed OA No.3377/2013 and OA No.1348/2016 respectively, whereby their request for issuance of NOC for admission in the one year course in Certificate in Fire Technology & Industrial Safety Management conducted by Delhi College of Fire & Safety Engineering had been considered in terms of the Tribunal's orders passed in their respective OAs. The requests of both the applicants had been rejected primarily due to deficiency of fire operational staff.

5. The respondents have also filed a copy of the Show Cause Notice dated 31.10.2016 issued to Shri H.S. Meena, Assistant Commissioner for wrongly granting NOC to Shri Manoj Kumar without obtaining prior approval of the competitive authority, namely, Delhi Fire Service. It may

also be seen from this order that the said officer issued the NOC to Shri Manoj Kumar without following due process.

6. From the above it would be clear that on 24.10.2016, when the applicant had tried to mislead us by giving an impression that one Mukesh Kumar has been issued the NOC but he has been denied the same, was aware about two other identical cases of Ajmer Singh and Bal Dev Solanki, referred to above, whose similar requests had not been acceded to. He was also aware about the fact that Shri Mukesh Kumar had been granted NOC by an officer without following due procedure and even without obtaining the prior approval of the competent authority.

7. In view of the facts and circumstances, since we are convinced that the applicant has misled the Tribunal in obtaining the interim order dated 24.10.2016 and order dated 02.11.2016, the same are withdrawn. Accordingly, RA No.275/2016 and MA No.3517/2016 stand allowed.

8. List the OA No.3131/2016 for hearing on 17.07.2017.

(Dr. B.A. Agrawal)
Member(J)

(P.K. Basu)
Member(A)

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