

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI**

**O.A No.3497/2015**

**Reserved On:14.12.2017  
Pronounced on:04.01.2018**

**Hon'ble Mr. V. Ajay Kumar, Member (J)**  
**Hon'ble Ms. Nita Chowdhury, Member (A)**

1. Anand Singh, Fireman,  
Aged about 48 years,  
S/o Sh. Ghisa Ram,  
Resi VPO Garh Mirak Pur,  
Distt. Sonapat, Haryana
2. Surender Kumar, Fireman,  
Aged about 49 years,  
S/o Sh. Suraj Bhan,  
Resi VPO Bakkarwala,  
Delhi-110040.
3. Bijender Singh, Fireman,  
Aged about 47 years,  
S/o Sh. Randhir Singh,  
Resi VPO Nahra,  
Distt. Sonapat, Haryana
4. Ashok Kumar, Fireman,  
Aged about 47 years,  
S/o Sh. Rishal Singh,  
Resi Ward No.9 Mahavir Colony,  
Sampla Rd. Kharkhoda,  
Distt. Sonapat, Haryana
5. Ramesh Kumar, Fireman,  
Aged about 49 years,  
S/o Sh. Harswaroop,  
Resi Vill Singhola PO Narela,  
Delhi-110040.
6. Rajbir Singh, Fireman,  
Aged about 49 years,  
S/o Sh. Mange Ram,  
Resi B-3, Firestation Rohini,  
Sector-5, Delhi.

7. Rambir Singh, Fireman,  
Aged about 50 years,  
S/o Sh. Goddhan,  
Resi VPO Dichaun Kalan,  
Delhi-110043.
8. Devki Nandan, Fireman,  
Aged about 49 years,  
S/o Sh. Keshav Dutt,  
Resi B-2, Fire Station, Rohini,  
Sector-5, Delhi.
9. Mahavir Singh, Fireman,  
Aged about 48 years,  
S/o Sh. Kanahiya Lal,  
Resi H.No.1044/29, Gali No.3,  
Kakroi Road, Sonapat, Haryana.

... Applicants

(By Advocate: Shri M.K. Bhardwaj)

Versus

Govt. of NCT of Delhi & Ors. Through

1. The Chief Secretary,  
Govt. of NCT of Delhi,  
I.P.Estate, New Secretariat, New Delhi.
2. The Principal Secretary (Home),  
Govt. of NCT of Delhi,  
I.P.Estate, New Secretariat, New Delhi.
3. The Director,  
Delhi Fire Service,  
Connaught Place, Delhi-110001.
4. Sunder Singh, Fireman 60/56,  
S/o Sh. Jagram Singh,
5. Sunil Kumar, Fireman 62/56  
S/o Munsu Ram
6. Raj Kumar, Fireman 64/56  
S/o Sh. Kawal Singh
7. Sahender Kumar, Fireman 88/56  
S/o sh. Rehtu Ram

8. Rohtas, Fireman 92/56,  
S/o Sh. Tara Chand
  9. Kali Charan, Fireman 158/56
  10. Noor Singh, Fireman 161/56  
S/o Sh. Chokhe Lal
  11. Vinod Kumar, fireman 168/56,  
S/o Sh. Ranbir Singh
  12. Sanohar Lal Meena,  
Fire Operator 277/63,  
S/o sh. Jwahar Lal Meena
  13. Rajesh Kumar Meena,  
Fire Operator 314/63  
S/o Sh. Latur Ram Meena
  14. Satish Kumar Meena,  
Fire Operator 242/63  
S/o Sh. Malkhan Meena
  15. Hari Parshad Meena,  
Fire Operator 275/63,  
S/o Sh. Ramji Lal Meena
- (respondents No.4 to 15 are working under respondent no.3 and  
Served on respondent no.3)

... Respondents

(By Advocate: Shri Murari Lal for respondents No.4 & 7 to 15)

### **ORDER**

**By Mr. V. Ajay Kumar, Member (J)**

The applicants, 9 in number and working as Fireman in the 3<sup>rd</sup> respondent-Delhi Fire Service (DFS), filed the OA questioning the Annexure A-1 order dated 11.01.2015 whereunder the respondents

1 to 3 proposing to conduct the DPC for promotion to the post of Leading Fireman on 22.09.2015 by following the rule of reservations in promotions by creating a quota for SC/ST candidates as per their roster register of the respondents.

2. The main submission of the applicants, who belongs to general category is that no exercise of collecting the quantifiable data, as mandated by the Hon'ble Apex Court in its Constitutional Bench decision in ***M. Nagaraj and Others Vs. Union of India and Others*** JT 2006 (9) SC 191 was conducted in the respondent-DFS and without following the directions made in the said decision, reservations cannot be provided in promotions to the post of Leading Fireman, for which the applicants are entitled, as per their seniority and merit, as per rules. The private respondent 4 to 15 belongs to reserved categories and also working as Fireman.

3. This Tribunal, on 21.09.2015 while issuing notices in the OA to the respondents, restrained them from making any promotions pending the OA. Again, by order dated 01.10.2015, in MA No.3279/2015, modified the said order by permitting the official respondents to proceed with the DPC for consideration for promotion of eligible candidates, who come within the zone of consideration, however, without following the reservations for SC/ST candidates.

4. Heard Shri M.K. Bhardwaj, the learned counsel appearing for the applicants, Shri Murari Lal for the private respondents 4 & 7 to 15 and learned counsel appearing for the official respondents.

5. When this matter was taken up for hearing, it is submitted by all the counsels that in pursuance of the order dated 01.10.2015 passed in MA No.3279/2015, the official respondents have conducted the DPC without following the rule of reservation, but in view of the stay orders, no appointments were made till date. It is further submitted by all the counsels that they have no objection if the OA is disposed of by permitting the official respondents to proceed with the DPC recommendations and by issuing appointment orders, however, granting liberty to all the parties of the OA and to others, to agitate for their rights, if they are still aggrieved.

6. In the circumstances, the OA is disposed of accordingly and the respondents shall proceed with the DPC recommendations and if any of the parties of the OA or any other persons are aggrieved, they are at liberty, to avail their remedies, in accordance with law.  
No costs.

**(NITA CHOWDHURY)**  
**MEMBER (A)**

**(V. AJAY KUMAR)**  
**MEMBER (J)**

**Rakesh**