

**Central Administrative Tribunal  
Ernakulam Bench**

**OA/180/00626/2017**

Thursday, this the 7<sup>th</sup> day of February, 2019.

**CORAM**

**Hon'ble Mr.E.K.Bharat Bhushan, Administrative Member**

**Hon'ble Mr.Ashish Kalia, Judicial Member**

1. P. N.Mruthunjayan, aged 49 years  
S/o P.E.Narayanan  
Fireman, INS Venduruthy.  
Residing at Pulitheranikathil House  
Mulavukad P.O.-682 504.
2. K.Ranjith, aged 41 years  
S/o K.P.Reghunathan  
Fireman, INS Zamorin  
Indian Naval Academy. Ezhimala.  
Residing at Upajith Nivas  
Pallikkunnu P.O.,  
Kannur-4.
3. P. Ramakrishnan, aged 40 years  
S/o V.P. Govindan  
Fireman, INS Zamorin  
Indian Naval Academy, Ezhimala.  
Residing at Prathiyoth House  
Vellavu, Kulliyani P.O.,  
Thaliparamba, Kannur.
4. M.Sinoj, aged 32 years  
S/o P. Gangadharan  
Fireman, INS Zamorin  
Indian Naval Academy, Ezhimala.  
Residing at Padeni House  
Ramanthali, Kannur.
5. M.Narayanan, aged 41 years  
S/o K. Govindan  
Fireman, INS Zamorin  
Indian Naval Academy, Ezhimala  
Residing at Neoghar House, Thunnamkodu,  
P.R.Nagar, Kannur.

Applicants

[Advocate: Mr. Jayakumar Namboodiri rep by Mr.Sreeraj]

**versus**

1. The Flag Officer Commanding in Chief  
Headquarters, Southern Naval Command  
Kochi-682 004.
2. The Commodore SSSOP  
Headquarters, Southern Naval Command  
Kochi-682004.
3. The Commandant  
Indian Naval Academy  
Ezhimala, Kannur-670 308.

Respondents

[Advocate: Mr.Sinu G. Nath, ACGSC]

The OA having been heard on 5<sup>th</sup> February, 2019, this Tribunal delivered the following order on 07.02.2019:

**ORDER****By E.K.Bharat Bhushan, Administrative Member**

This OA is filed by P.N.Mruthunjayan and 4 others who are Firemen working under the Flag Officer Commanding in Chief, HQs., Southern Naval Command, Kochi. They mention in the OA that they are ranked at Sl.Nos. 25, 30, 36, 44 and 46 respectively in the Seniority List of Fireman. It is stated that all of them are eligible to be considered for promotion as Leading Fireman, the next post in the hierarchy.

2. They are aggrieved by the fact that SC/ST candidates who are lower in seniority are being preferred for promotion as Leading Fireman contrary to the rules of roster. It is stated that there are 56 posts of Leading Fireman in the respondents' organization and there is reservation of 15% for SC and 7.5% for ST. Thereby 8 posts are reserved for SC and 4 for ST. According to Annexure A1 communication which is a true copy of the letter issued by Commodore -At-Arms dated 23.5.2017, 5% SC and 2% ST are presently borne in the cadre of Leading Fireman. By analogy, 3 SC candidates and 1 ST candidate are eligible

to be appointed by reservation. Further, in the OA it is alleged that roster point system is being freely violated, the apprehension being that the reserved categories are holding posts far in excess of their eligibility. The applicant seeks production of all files including the roster register pertaining to the eligible candidates for promotion of Leading Fireman before the Tribunal so that the actual position can be ascertained.

3. In the reply statement, the respondents have tried to quieten the apprehension of the applicants. It is confirmed that as per the existing rules on reservation, 5% of the sanctioned strength of Leading Fireman is reserved for SC and 7.5% for ST, the total sanctioned strength of the category being 56. This position has been correctly stated in the OA itself. Now in the 23 vacancies available for the post of Leading Fireman for the years 2017-18, 15 vacancies are for unreserved categories while 5 are reserved for SC and 3 for ST, the latter two categories being backlog of their entitled numbers. Accordingly 15 senior most eligible candidates were considered under the UR quota by the DPC and 5 and 3 from SC and ST categories respectively. As per Annexure R1 list produced along with the reply statement, none of the applicants figures in the list of candidates for the 15 unreserved vacancies.

4. This Tribunal found it necessary to call for the latest model roster of reservation with reference to the posts and this was supplied as Annexure R2 by the respondents. According to this, post Nos.7, 15, 20, 27, 35, 41, 47 and 48 are SC posts, whereas 28, 40 and 55 are ST reserved posts. Thus the 8 authorised vacancies of SC and 4 of ST are to be filled from among the 56.

5. We have verified the manner in which the roster points have been maintained in adherence with the roster principle. These have been correctly estimated and apportioned among UR, SC and ST categories. We see no merit in the OA. The same is dismissed.

(Ashish Kalia)  
Judicial Member

(E.K.Bharat Bhushan)  
Administrative Member

aa.

**Annexures filed by the applicant:**

- Annexure A1: Copy of letter No.PIO/130/17/JN/5(11) dated 23.5.2017 issued by the Commodore-At-Arms, PIO (HQ SNC).
- Annexure A2: Copy of letter no.PIO/130/17/JN 4(1) dated 25.4.2017 issued by the Commodore at Arms, PIO (HQ SNC).
- Annexure A3: Copy of the representation submitted by the applicants 2 to 5 to the respondents (jointly addressed).
- Annexure R1: Panel for promotion to the post of Leading Fireman dated 29 March 17.
- Annexure R2: Copy of the amended roster.