

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHENNAI BENCH**

**OA/310/00344/2017**

**Dated Wednesday the 27<sup>th</sup> day of February Two Thousand Nineteen**

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)  
HON'BLE MR. P. MADHAVAN, Member (J)**

J.Aruldoss,  
S/o. P.Jayabalan,  
residing at No. 52, ECR Main Road,  
Kanapathy Chettikulam,  
Puducherry 605014.

....Applicant

By Advocate M/s. M. Gnanasekar

Vs

1.Union of India rep by,  
The Secretary to Government,  
Home Department,  
Chief Secretariat, Puducherry.

2.The Divisional Fire Officer,  
Department Fire Service,  
Puducherry.

....Respondents

By Advocate Mr. R. Syed Mustafa

**ORAL ORDER**

**(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))**

Heard. The applicant has filed this OA seeking the following reliefs :

- "i. to direct the second respondent not to cancel the provisional selection of the applicant to the post of Fireman on the basis of memorandum No. 1953/DFO/F1/2016/1925 dated 09.02.2017 passed by the 2<sup>nd</sup> respondent,
- ii. pass such further orders as the Hon'ble Tribunal deems fit and proper in the interest of justice and
- iii. Award costs and thus render justice."

2. It is submitted that the applicant qualified for selection to the post of Fireman in the General category as per Annexure R2 select list notified on 08.02.2017. After the certificate verification process, the applicant had not been favoured with any appointment letter. He was given to understand that in the absence of a residence certificate issued within 5 years of the date of notification of the vacancy, he could not be appointed. However, the respondents allegedly appointed similarly placed persons in compliance of the directions issued by the Tribunal. An interim order passed in this regard in OA 1613/2015 is produced.

3. Learned counsel for the respondents would submit that the orders passed by the Tribunal had been challenged in the Hon'ble Madras High Court but were dismissed in the relevant WPs. The respondents filed SLPs thereagainst in the Hon'ble Supreme Court and CAs No. 7964, 9881, 9911, 10133 & 27261/2009 are still pending in the Hon'ble Apex Court. However, in terms of the directions of the Tribunal and the Hon'ble High Court, the candidates concerned had been granted provisional appointment subject to the outcome of the CAs in the

Hon'ble Supreme Court. Accordingly, the respondents would have no objection to the applicant being granted the same relief subject to the outcome of the CAs pending in the Hon'ble Supreme Court.

4. Keeping in view the above submission, this OA is disposed of with a direction to the respondents to appoint the applicant provisionally subject to the outcome of the aforesaid CAs if he is otherwise eligible and suitable for appointment.

**(P. Madhavan)**  
**Member(J)**

**(R. Ramanujam)**  
**Member(A)**

**27.02.2019**

SKSI