

**Central Administrative Tribunal  
Principal Bench**

**OA No.977/2019**

New Delhi, this the 2<sup>nd</sup> day of May, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

1. Sh. D. B. Mukherjee  
Aged about 49 years,  
Group 'A',  
S/o Late S. K. Mukherjee  
R/o Qtr. No.F-1, Nehru Place Fire Station,  
New Delhi-19.

(Working as Divisional Officer on Current Duty Charge  
in Delhi Fire Service)

2. Sh. M. K. Chattopadhyay  
Aged about 52 years,  
Group 'A',  
S/o Sh. Dilip Kumar Chattopadhyay  
R/o A-7, Fire Station, Connaught Circus,  
New Delhi.

(Working as Divisional Officer on Current Duty Charge  
in Delhi Fire Service)

3. Sh. Francis Brown  
Aged about 58 years,  
Group 'A',  
S/o Sh. J. Brown  
R/o F-3, Fire Station,  
Mandawali, Delhi-92.

(Working as Divisional Officer on Current Duty Charge  
in Delhi Fire Service)

4. Sh. Mukesh Verma  
Aged about 42 years,  
Group 'A',  
S/o Sh. M. L. Verma  
R/o A-3, Fire Station,  
Connaught Circus,  
New Delhi 110 001.

(Working as Divisional Officer on Current Duty Charge  
in Delhi Fire Service)

5. Sh. Rajender Atwal  
Aged about 49 years,  
Group 'A',  
S/o Sh. Om Prakash Atwal  
R/o A-11, Fire Station,  
Connaught Circus,  
New Delhi 110 001.

(Working as Divisional Officer on Current Duty Charge  
in Delhi Fire Service)

.... Applicants.

(By Advocate : Shri Surinder Kumar Gupta)

Vs.

Govt. of NCT of Delhi through :

1. Chief Secretary  
Govt. of NCT of Delhi  
Delhi Secretariat,  
IP Estate, New Delhi.
2. Pr. Secretary (Home)  
Govt. of NCT of Delhi  
Delhi Secretariat,  
IP Estate, New Delhi.
3. Director  
Delhi Fire Services,  
Fire Headquarter  
Connaught Circus,  
New Delhi 110 001.
4. Secretary  
Union Public Service Commission  
Dholpur House, Shahjahan Road,  
New Delhi.

.... Respondents.

(By Advocates : Shri H. A. Khan and Shri R. V. Sinha)

**: O R D E R (ORAL) :****Justice L. Narasimha Reddy, Chairman:**

The applicants are working as Assistant Divisional Officers (Fire) in Delhi Fire Service, and holding the current duty charge on the posts of Divisional Officer (Fire). As many as 5 vacancies in the post of DO were available for filling up through promotion. Steps were initiated for selecting the candidates for promotion. On one occasion, the DPC was also convened.

2. The grievance of the applicants is that the selection is not being finalised, and on one pretext or the other, the process is being extended without any basis. In this OA, the applicants seek a direction to the respondents to convene a DPC for promotion to the post of DO in accordance with the circular dated 23.04.2005 and to finalise the process.

3. On 28.03.2019, the Tribunal noticed that though the DPC was being convened, the process was being adjourned on one pretext or the other, and as a result, ad hoc and temporary arrangements are being made. Direction was issued to convene the DPC within two weeks wherein all the eligible ADOs shall be considered.

4. Learned counsel for the respondents has placed before us the copy of the minutes of the DPC held on 11.04.2019. The process of selection against 5 vacancies was taken up and cases of as many as 14 ADOs, including the applicants herein were considered. The applicants herein were found fit to be promoted to the post of DO. However, it was mentioned that the appointment shall be on ad hoc basis, initially for a period of six months.

5. We heard Shri Surinder Kumar Gupta, learned counsel for the applicant and Shri H. A. Khan and Shri R. V. Sinha, learned counsel for the respondents.

6. For one reason or the other, the concerned DPC was delaying the matter of selections to the post of DO by way of promotion. The importance of the post hardly needs any emphasis. It appears that the ad hoc arrangements are being made mostly on the ground that the amendment to the Recruitment Rules is in the process. However, that hardly, constitutes any basis.

7. In compliance of the direction issued by this Tribunal, the DPC met and the following result has emerged:-

“The Departmental Promotion Committee decided to recommends the anme of the following Assistant Divisional Officers (Fire) as “FIT”for promotion to the post of “Divisional Officer (Fire)”, Group Á, Gazetted in the pay scale of PB-3 (Rs.15600-39100/-) plus grade pay of Rs.6600/- (Pre-revised) now in Level-11 of the

pay matrix under CCS (RP) Rules, 2016 on ad hoc basis initially for the period of six months under promotion quota in accordance with the provisions prescribed in the existing Recruitment Rules in Delhi Fire Service, Govt. of NCT of Delhi.”

Once, the DPC was convinced about the eligibility and fitness of the candidates, the matter ought to have been left at that. It is for the appointing authority to take a decision whether the appointment by way of promotion shall be on regular or ad hoc basis. The DPC was not justified in recommending the appointment on ad hoc basis. Therefore, the recommendation to the extent that it is for ad hoc basis shall stand deleted.

8. The OA is accordingly allowed. The appointing authority shall take the recommendation of the DPC as contained in the minutes of the DPC dated 11.04.2019 by omitting the element of ad hoc basis into account and pass appropriate orders within a period of four weeks from the date of receipt of copy of this order. We also make it clear that the UPSC is not at all involved in the matter, and it's very inclusion in the memo of parties is a mistake.

There shall be no order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

/pj/