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Central Administrative Tribunal, Principal Bench

Original Application No. 1444 of 2003
M.A.Nos.1245/2003, 2114/2003

New Delhi, this the 11th day of December, 2003

Hon'ble Mr. Justice V.S. Aggarwal, Chairman
Hon'ble Mr. S.A. Singh, Member (A)

1. Jagbir Singh (OBC) S/o Shri Surat Singh
R/o Vill. Khanda, Sonipat, Haryana
Roll No. 30116738
2. Satbir Singh S/o Shri Jai Singh
R/o Jakhoda, PO: Badur Garh,
Jhajjar, Haryana
Roll No. 30116223
3. Sunil Kumar S/o Shri Mahabir.
R/o V.&P.O: Kanjawala, Delhi
Roll No. 30117114
4. Ravinder Kumar S/o Shri Ram Kumar,
R/o Vill. Bad Khalsa, PO: Rai, Sonipat,
Haryana
Roll No. 30116188
5. Narendra S/o Shri Dharmbir,
R/o 9 Goray, Bhakata, Sonipat, Haryana
Roll No. 30116179
6. Satender Singh S/o Shri Jagdish,
R/o Sentom Hospital, Rohini,
New Delhi
Roll No. 30116334
7. Manoj Kumar S/o Shri Rajender Kumar,
R/o Auchandi Gaon, Delhi
Roll No. 30115923
8. Lokender Singh S/o Shri Sahdev Singh,
R/o Fire Station, Roop Nagar, Delhi
Roll No. 30116482
9. Yaspal Singh S/o Shri Haripal Singh,
R/o Fire Station, Roop Nagar, Delhi
Roll No. 30116276
10. Nagesh Kumar S/o Shri Tiku Ram,
R/o Prem Nagar, Shakti Nagar, Delhi
Roll No. 30117142
11. Jitender Kumar S/o Shri D.P. Sharma,
R/o Mauj Pur, Delhi
Roll No. 30116933
12. Satender Kumar S/o Shri Krishan Chand,
R/o Moti Nagar, Fire Station, Delhi
Roll No. 30116869
13. Joginder S/o Shri Diwan Singh,
R/o Moti Nagar, Fire Station, Delhi
Roll No. 30116274

14. Jaipal Singh S/o Shri Hukam Chand
R/o Vill. PO Bawana, Delhi
Roll No.30116488
15. Satender S/o Shri Raj Bir Singh,
R/o Moti Nagar, Fire Station, Delhi
Roll No.30116211
16. Devender Deshwal C/o Shri Jagbir
R/o Rohini Fire Station, Delhi,
Roll No.30117124
17. Ramesh S/o Shri Jug Lal,
R/o Surakh Pur, Delhi-43
Roll No.30117106
18. Satish S/o Shri Ajit Singh,
R/o Surakh Pur, Delhi-43
Roll No.30116417
19. Devender S/o Shri Dharmapal
R/o Moti Nagar, Fire Station, Delhi
Roll No.30116051
20. Dharamender C/o Shri Rajbir
R/o V.P.O. Mitrau, Delhi,
Roll No.30115892
21. Sandeep Rana S/o Shri Azad Singh,
R/o Fire Station, Moti Nagar, Delhi
Roll No.30117384
22. Sumit Kumar S/o Shri Azad Singh,
R/o Fire Station, Moti Nagar, Delhi
Roll No.30115957
23. Vijay Kumar S/o Shri Dharampal,
R/o Vill. & PO Kaloi, Rohtak, Haryana.3
Roll No.30116200
24. Rajeev Kumar S/o Shri Rajbir Singh,
R/o Vill. & P.O. Sakhot, Bahadurgarh,
Haryana

.... Applicants

(By Advocate: Shri U.Srivastava)

Versus

Govt. of N.C.T. of Delhi, through

1. The Chief Secretary,
Delhi Secretariat, Players Building,
Behind I.G. Stadium, New Delhi
2. Delhi Subordinate Service Selection Board,
Through its Chairman,
Institutional Area, Vishwas Nagar,
Shahdara, Delhi-32

3. Chief Fire Officer,
Delhi Fire Service, Barakhamba Road.
Connaught Place, New Delhi **Respondents**

(By Advocate: Shri Vijay Pandita, for respondents 1&2
None for respondent 3)

O R D E R (ORAL)

By Justice V.S. Aggarwal, Chairman

After the matter was argued, it became simpler for the reason that though in the O.A., the applicants were claiming a relief that respondents should give the benefit of the judgement dated 28.11.2002 in O.A.173/2002 but during the course of submissions, learned counsel for the applicants contended that in the reply in paragraph 5.9, the respondents have admitted that 15 dossiers received back from Delhi Fire Service for one reason or the other, had again been sent back to the Delhi Fire Service with the advice that the user department will retain the dossiers. The exact figures regarding the cancellation of nominations or acceptance of nominations are available with the Delhi Fire Service.

2. During the course of submissions, there was no appearance on behalf of respondent no.3.

3. At this stage, we deem it necessary to mention that earlier O.A.173/2002 entitled Balraj and ors. vs. Govt. of N.C.T. of Delhi and ors. had been filed which was disposed of on 28.11.2002. The same was disposed of with the following directions:

"Pertaining to the abovesaid controversy, our attention was not drawn, from the relevant record, to any such decision taken. Admittedly, there are some vacancies. We, therefore, deem it unnecessary

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to probe in this regard. It is directed that respondent No.3 would take a conscious decision as to whether (a) it would like to extend the life of the panel; and (b) it would like to fill up the posts that have fallen vacant from the earlier examination/test. It would be appreciated that a speaking order is passed."

During the course of submissions, it was pointed that in pursuance of the earlier decision of this Tribunal, the respondents had extended the life of panel and appointed two persons.

4. Perusal of the abovesaid facts clearly show that the claim of the persons whose dossiers had been returned, in fact, had not been considered. At this stage, we hasten to add that we are not expressing ourselves on the merits of the matter as to if the applicants have to be accorded the benefit or not. Their claims should be considered in accordance with the law and instructions on the subject. But once it has been pointed that their dossiers had been returned, it is obvious that proper consideration to their claim has not been given.

5. Resultantly, we dispose of the present application with the following directions -

(a) the claim of the applicants should be considered as to if they are entitled to be appointed as Fire Operators in accordance with what we have recorded above. All the other persons whose name was in the panel should also be considered;

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(b) the same should be considered in accordance with the rules and instructions on the subject; and

(c) a decision in terms of the earlier decision rendered by this Tribunal should also be communicated, if any.


(S.A. Singh)
Member(A)


(V.S. Aggarwal)
Chairman

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