

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

**OA No-1871/2017**

**New Delhi, this the 20<sup>th</sup> day of November, 2019**

**Hon'ble Sh. A.K. Bishnoi, Member(A)**

**Hon'ble Sh. R.N. Singh, Member(J)**

Sh. Bhupesh Kumar

Aged about 34 years

S/o Sh. Om Prakash

R/o H.No. 505, VPO Mitraon

Nazafgarh, New Delhi-110043

(Fire Operator Group C)

... Applicant

(through Sh. S.K. Gupta)

Versus

Govt. of NCT of Delhi through

1. Chief Secretary

Govt. of NCT of Delhi

Players Building

IP Estate, New Delhi.

2. Pr. Secretary (Home)

Govt. of NCT of Delhi

Players Building

IP Estate, New Delhi.

3. Director

Delhi Fire Services

Fire Headquarter, Connaught Circus

New Delhi.

... Respondents

(through Ms. Harvinder Oberoi)



**ORDER(ORAL)****Hon'ble Sh. R.N. Singh, Member(J)**

In the present application filed under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the inaction at the end of the respondents in not allowing him to join the duties to the post of Fire Operator in terms of memorandum dated 12.07.2016 (Annexure A-1), which reads as under:

“Sh. Bhupesh Kumar (Roll No. 15114895, Post Code-15/2007) a candidate for the post of Fire Operator is hereby directed to visit this office on any working day between 10:30 A.M. to 04:30 P.M. on or before 27/07/2016 alongwith 06 passport size photographs, his original education documents, ID proofs (Adhar Card/ Voter ID, PAN Card, Driving License), Cast Certificate, latest electricity bill, Medical Reports, Fitness Certificate and other relevant documents for taking further necessary action failing which it will be presumed that you are not willing to join the post of Fire Operator in this department and the offer of appointment will stands cancelled and will be treated as withdrawn. Your case will be returned to DSSSB alongwith your dossier and no further correspondence will be made or entertained by this office.”

2. Learned counsel for the applicant submits that in response to the aforesaid memorandum dated 12.07.2016, the applicant has visited the office of the respondents and has submitted letter dated 25.07.2016 (Annexure A-2) enclosing therewith documents required by the respondents vide their aforesaid memorandum. It is the case of the applicant that in spite the applicant's fulfilling all the conditions





stipulated in the memorandum dated 12.07.2016, the respondents have not issued order/letter allowing him to join the duties to the post of Fire Operator.

3. In response to the notice received from this Tribunal, the respondents have filed a counter reply disputing and denying the claim made by the applicant in the aforesaid OA. The learned counsel for the respondents submits that in spite of four opportunities granted by the respondents on 01.06.2009, 23.02.2010, 28.10.2010 and also through memorandum dated 03.02.2012, the applicant has not responded and therefore, it was concluded by the respondents that the applicant is not interested in joining the service of the respondents as Fire Operator. She further submits that in such view of the matter, the representation of the applicant was rejected.

4. We have perused the pleadings on record and have also considered the submission made by learned counsels for the parties. It has not been disputed by the respondents that the aforesaid memorandum dated 12.07.2016 was issued to the applicant and the applicant has visited their office in pursuance thereof and submitted his representation dated 25.07.2016 enclosing therewith the documents referred to therein. The opportunities referred to by the respondents and noted as above are all prior to the aforesaid memorandum dated 12.07.2016 and there is nothing on record to show as to what action has been taken by the respondents in pursuance to the respondents memorandum dated 12.07.2016.



5. In view of the aforesaid, we are of the considered view that the applicant is having a valid claim to request the respondents to consider his representation dated 25.07.2016 and to dispose of the same by passing an appropriate order keeping in view all the relevant facts and rules into consideration. The present OA is accordingly disposed of with direction to the competent authority under the respondents to consider the claim of the applicant referred to in the representation dated 25.07.2016 and dispose of the same by passing a reasoned and speaking order as expeditiously as possible and in any case within eight weeks from the date of receipt of a certified copy of this order. However, under the facts and circumstances, no order as to costs.

**(R.N. Singh)**  
**Member(J)**

**(A.K. Bishnoi)**  
**Member(A)**

/ns/