

**Central Administrative Tribunal
Principal Bench, New Delhi**

OA No.1053/2020

Today this the 19th day of August, 2020

Through video conferencing

**Hon'ble Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Shri Ankit Kumar
S/o Shri Krishna Pal
Fitter General SG-II, Age 35 years
Ordnance Factory Muradnagar
R/o Type-I/DS/443
Ordnance Factory Estate
Muradnagar (Ghaziabad).

.. Applicant

(By Advocate : Shri Priya Ranjan Roi)

Versus

Union of India through:

1. The Secretary
Ministry of Defence
South Block, New Delhi.
2. The Director General
Ordnance Factory Board
Ministry of Defence
Govt. of India
10-A, Saheed Khudiram Bose Road
Kolkata-700001.

3. The General Manager
Ordnance Factory
Ministry of Defence
Govt. of India
Muradnagar (UP). .. Respondents

(By Advocate : Shri Gyanendra Singh)

Order (Oral)

Justice L. Narasimha Reddy, Chairman

The applicant is working as Fitter General SG-II in the Ordnance Factory, Muradnagar, the 3rd respondent herein. For promotion to the post of Chargeman (Technical), there is a facility of Limited Departmental Competitive Examination (LDCE). For that, the qualification stipulated is Diploma in Technical Engineering course. The applicant stated that he obtained Diploma from the Institute of Mechanical Engineering (IME). The respondents, however, did not treat him as qualified. On the representation submitted by him, the respondents replied on 16.07.2020 stating that in circular dated 24.04.2020, it was clearly mentioned that the Diploma from IME cannot be treated as valid qualification.

2. This OA is filed seeking a direction to the respondents to treat the applicant as eligible to take part in the LDCE and to grant other incidental reliefs.

3. The OA was listed earlier on 17.08.2020 and learned standing counsel for respondents sought time. Today, we heard Shri Priya Ranjan Roi, learned counsel for the applicant and Shri Gyanendra Singh, learned counsel for the respondents.

4. The applicant intends to take part in the LDCE, which is proposed to be held for promotion to the post of Chargeman (Technical). The qualification stipulated for the post is Diploma in Technical Engineering course. The applicant no doubt obtained the Diploma from IME. It appears that there was some uncertainty and consequential litigation as to the acceptability of the diploma from that institution. Ultimately, the respondents issued a circular on 24.04.2020, which is to the effect that the Technical Engineering

course/diploma from Institute of Mechanical Engineers (IME) cannot be considered as the qualification, prescribed under the Recruitment Rules, for the post of Chargeman under OFB.

5. Once the appointing authority has declared that the diploma from IME cannot be treated as valid verification, there is no way, that the applicant can be treated as qualified. Further, the applicant did not challenge the circular dated 24.04.2020. The adjudication or observations made earlier to 24.04.2020 would not be much help to the applicant.

6. We do not find any merit in the O.A. and the same is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/jyoti/vanda