

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA/020/1304/2013

**Reserved on: 25.03.2021
Pronounced on : 08.04.2021**



**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**

1. B. Baloji, S/o. Sri B. Pentaiah,
aged about 41 years,
Occ: Fitter/T.No.1758-2,
Foundry Section, Ordnance Factory, Medak-502 205,
R/o. 22013, Ordnance Factory Estate,
Yeddumailaram, Medak District, A.P.
2. D. Narsimlu, S/o. Sri Balaiah,
Aged about 35 years,
Occ: Fitter/T.No.2204-9,
SMS Section, Ordnance Factory,
Medak – 502 205, R/o. Kyasaram Village,
Patancheru Mandal, Medak Dist, A.P.
3. G. Raju, S/o. Sri Moses,
Aged about 39 years, Occ: Fitter/T.No.2214-7,
H&T Section, Ordnance Factory, Medak -502 205,
R/o. 22108, Ordnance Factory Estate,
Yeddumailaram Village, Medak – 502 205.

...Applicants

(By Advocate : Sri K. Ram Murthy)

Vs.

1. Union of India rep. by its
Director General and Chairman,
Ordnance Factory Board,
Govt. of India, Ministry of Defence,
10-A, S.K. Bose Road, Kolkatta – 700 001.
2. The General Manager, Ordnance Factory,
Ministry of Defence, Yeddumailaram Post,
Medak Dist – PIN – 502 205, A.P.

... Respondents

(By Advocate: Smt K. Rajitha, Sr. CGSC.)

ORDER
(As per Hon'ble Mr. B.V. Sudhakar, Admn. Member)

2. The applicants filed the OA challenging the Order dt.21.06.2013 passed by the 2nd respondent in regard to filling up of Chargeman/ Tech (Mech) vacancies of ST and SC and for a consequential direction to the respondents to consider their cases for appointment as Chargeman/ Tech. (Mech) based on the merit in LDCE-2011 on par with other selected candidates w.e.f. 18.07.2012.



3. Brief facts of the case are that the applicants, who are working for the respondents organization, are skilled workers and belong to the ST & SC community. The next promotion is to the grade of Chargeman and the respondents issued notification in 2006 & 2008 for selection to the post of Chargeman, where in 1 ST and 2 SC candidates though selected on merit were adjusted against SC/ST vacancies instead of UR vacancies. Thereby, promotion to the SC/ST candidates was denied to that extent. Representations were submitted to make the correction but of no avail. Further, respondents went ahead in issuing notification dated 21.6.2013 without appointing selected candidates of LDCE (Limited Departmental Competitive Exam) 2011 wherein the applicants are on the top of the list among the SC/ST candidates. Challenging the fresh notification, OA 57/2013 was filed by the 1st applicant, which was disposed directing the respondents on 2.4.2013 to show the 1st applicant as having been selected as the last candidate in LDCE 2011 as and when vacancy of Chargeman arises. The order of the Tribunal was stayed by the Hon'ble High Court on

19.6.2013 in WPMP No.20966/2013 in WP No.17264/2013. Applicants filed vacate stay petition vide WVMP No.3055/2013 in the cited WP and the same is pending adjudication. However, respondents based on the impugned notification, which includes backlog vacancies of LDCE of 2011, conducted the exam in September 2013, in which the applicants participated and the results are likely to be announced, which may trigger further litigation if the applicants succeed in vacate stay petition and in the OAs 506/2013 & 507/2013 filed by the 2nd/ 3rd applicants. Aggrieved for not considering the request for promotion as Chargeman in the above circumstances, the OA is filed.

4. The contentions of the applicants are that the action of the respondents in issuing the impugned notification is violative of DOPT OM dated 11.7.2002. The memo dated 10.8.2012 of the respondents is vague. R-3 has corresponded with R-1 for filling up 1 ST and 3 SC candidates to fill up the shortfall vacancies by SC/ST candidates of LDCE 2011. Vacate stay petition and the OAs cited are pending.

5. Respondents in the reply statements state that as per the Ordnance Board letter dated 2.8.2005, LDCE was conducted from 2005 to 2010 to fill up 25% of the vacancies of Chargeman and as is the practice to consult the SC/ST Association and the Liaison Cell, it was informed after completing the LDCE 2011 selection that 1 ST and 3 SC posts were not carried forward due to an error and hence, these vacancies were shown as backlog vacancies. When the HQ was approached to fill up these vacancies from



candidates who qualified in the LDCE 2011, it was informed that the vacancies are to be filled by fresh notification. Hon'ble Supreme Court has observed that the vacancies advertised only should be filled and a waiting list can be kept to fill up vacancies which arise due to non joining of candidates selected. Hence the backlog vacancies were included in LDCE 2013 and exam was conducted in Sep 2013. Selected candidates were promoted to the post of Chargeman on 31.10.2013 and those selected for 2 SC and 1 ST vacancies their results were not declared as the educational certificates produced by them from private universities are under verification. Challenging the fresh notification, applicants filed OA 57/2013 which was allowed on 2.4.2013 and the order of the Tribunal when challenged, was stayed by the Hon'ble High Court on 19.6.2013.

6. Heard both the counsel and perused the pleadings on record.
7. The dispute is about selection of the applicants to the post of Chargeman (Tech/Mech.) who qualified in LDCE 2011 exam against the back log SC/ST vacancies identified after the LDCE 2011 selection was over. Respondents decided to include the back log vacancies of 1 ST & 3 SC vacancies in the 2013 notification, which was challenged by filing OA 57/2013 by the 1st applicant and the same was allowed on 2.4.2013 by directing respondents to show the 1st applicant to have been selected as the last candidate in LDCE 2011 as and when vacancy of Chargeman arises. When the said decision was challenged in Hon'ble High Court the order of the Tribunal was stayed on 19.6.2013 in WPMP No.20966/2013 in WP No 17264/2013. 1st Applicant filed vacate stay petition vide WVMP

No.3055/2013 in the cited WP and the same is pending adjudication, as confirmed by the Ld. counsel for the applicants. Therefore, the matter is under adjudication of the Hon'ble High court. Consequently, respondents are directed to take action, depending on the directions of the Hon'ble High Court as and when they are issued in the vacate stay petition referred to.

With the above direction, the OA is disposed of with no order as to costs.



(B.V. SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/