

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO.359 OF 2000.
Cuttack, this the 2nd day of November, 2000.

Suharta Panda. ... Applicant.

-Versus-

Union of India & Ors. ... Respondents.

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? **Yes**
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? **No**

(G.NARASIMHAM)
MEMBER(JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN
5.11.2000

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 359 OF 2000.
Cuttack, this the 2nd day of November, 2000.

C O R A M:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN
A N D
THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDL.) .

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Suharta Panda, Aged about 26 years,
S/o .Gangadhar Panda, Resident of
Gr.No .F-39, Powmex Colony,
At/Po: Titilagarh, Dist. Bolangir. APPLICANT.

By legal practitioner : Miss.S.Ratho & Mr.M.K.Das, Advocates.

- V e r s u s -

1. Union of India represented through
its Secretary, Ministry of Defence,
New Delhi.
2. General Manager, Ordnance Factory,
Badmal, Bolangir, Orissa-767770. ... RESPONDENTS.

By legal practitioner : Mr.B.K.Nayak, Additional Standing Counsel.

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O R D E R

MR.SOMNATH SOM, VICE-CHAIRMAN:

S.M. In this Original Application, the applicant who was a candidate for the post of Chargeman, Grade-II (Technical) in Ordnance Factory, Badmal, has prayed for quashing the written examination held on 5-8-2000 for the above post and for a direction to hold fresh examination in which the applicant should be allowed to appear.

2. Respondents have filed counter opposing the prayers of the Applicant.
3. We have heard Mr.S.Ratho, learned counsel for the Applicant and Mr.B.K.Nayak, learned Additional Standing Counsel appearing for the Respondents and have also perused the records.

4. For the purpose of considering this Original Application, it is not necessary to go into too many facts of this case. It is only necessary to note that in response to an advertisement at Annexure-2, the applicant applied for the post of Chargeman, Grade-II. The admitted position is that the application of the petitioner was received before the last date. The advertisement at Annexure-2 specifically provided that along with the application, attested copy of the certificate showing the Age, Educational qualification, marksheets, caste certificate (where ever applicable) proof regarding experience in the relevant field and other testimonials should be sent. It was mentioned in this advertisement, at Annexure-2, that no application will be received through Registered Post or courier. It is also the admitted position that the applicant's father was working as Supervisor/NT Security section in the same factory. But inspite of submission of application in time, the applicant was not called for the written test. That is why, he has come up in this Original Application with the prayers referred to earlier.

5. Respondents in their counter have stated that along with the petition, the applicant did not enclose the necessary documents and that is why, it was rejected. In support of their contention, Respondents have enclosed xerox copy of the petition and in which at the top no document has been mentioned. Applicant's father who is working in the same organisation had submitted a representation to the General Manager on 7-8-2000 at Annexure-4 in which, he ^{has} specifically mentioned that along with the application all the documents were submitted. He has also alleged that these documents must have been misplaced deliberately by the dealing staff of the recruitment section. Copy of this representation has also been referred to in para 4.7 of the Original Application.

We note that Respondents in their counter have made no averments with regard to receipt of representation and the action which has been taken by the Factory Authorities with regard to the allegations made in the representation. In view of the above, and in view of absence of any averments by the Respondents, in their counter that they had taken any action on the specific allegation made by the applicant, it is only proper that a responsible officer of the factory should conduct an enquiry into the matter. We also note that in this case the prescribed application form does not have the column for indicating the list of documents which had been attached. We are not taking a view whether the applicant has actually submitted the supported documents or whether though submitted, these have been deliberately misplaced. But chances of this type of allegation will be minimised if in the application form itself a column has been specifically mentioned to be filled in by the applicant with regard to the documents enclosed by him. The Factory authorities should consider this and take appropriate action in the matter. In view of the fact that specific allegations of the applicant's father have not been denied by the Respondents in the counter, we dispose of this Original Application by directing the General Manager, Ordnance Factory, Badmal, Bolangir, Respondent No. 2 to cause a personal enquiry into the matter as to whether the applicant had actually submitted the supporting documents alongwith his petition or not. In case it is found that the applicant did submit the required documents alongwith the petition, then the General Manager, Respondent No. 2 should take a view with regard to provide appropriate relief to the Petitioner. It is also ordered that in case in the enquiry to be conducted by the General Manager, Res. No. 2, it is found that the documents have actually been submitted by the

S. J. M.

applicant and if thereafter, the applicant has any grievance with regard to the action taken by the General Manager, Respondent No.2 to provide the adequate relief to the applicant, the applicant is free to approach this Tribunal.

6. In this case, on 10-8-2000, we had directed that after the test is complete, appointment order be issued only with the leave of this Tribunal. Learned Additional Standing Counsel (Central) Mr. Nayak has filed a M.A. seeking leave of this Tribunal. We have heard Mr. Nayak and Miss. Ratho, on this M.A. In view of our above order, we modify the order dated 10-8-2000 and it is indicated that the appointment letter to the selected candidates may be issued by the Factory Authorities only after the above enquiry is completed, as directed by us, by the General Manager, Respondent No.2.

7. In the result, therefore, with the observations and directions made above, the Original Application and the Misc. Application are accordingly disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

(SCMNATH SOM)
VICE-CHAIRMAN

KNM/CM.