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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.396 OF 2009
Cuttack this the 11th day of August, 2011

CORAM:

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER
AND
HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER

...
Tanmaya Kumar Jena, aged 30 years, S/o. Jaldhar Jena, At/PO-Todanga, Via-
Barikpur Bazar, Dist-Bhadrak, presently working as Sr.Fireman A, Fire Fighting
Group, Integrated Test Range, Chandipur, Balasore, Orissa

...Applicant

By the Advocates:M/s.R.C.Prahraj & C.Nayak

-VERSUS-

1. Union of India represented through Secretary, Govt. of India, Ministry of Defence, Department of Defence Research & Development, South Block, New Delhi-110 011
2. Director, R&D Organization, Integrated Test Range, Chandipur, Dist-Balasore, Orissa-756 025

...Respondents

By the Advocates:Mr.A.Kanungo

...
ORDER

HON'BLE SHRI C.R.MOHAPATRA, ADMINISTRATIVE MEMBER:

1. Applicant, at present working as Sr.Fireman "A", Fire Fighting Group, Integrated Test Range, Chandipur, Balasore, Orissa, has filed this Original Application, being aggrieved with communication dated 12.1.2009 (Annexure-A/3) wherein his application for Limited Departmental Competitive Examination for the post of STA 'A" has not been acceded to. In the circumstances, the applicant has sought for the following relief:

"...to quash the order No.ITR/ADMIN/5001/LDCE dated 12.6.2009 as under Annexure-3, to declare the applicant eligible and qualified for the post of STA "A" and to issue direction to Respondent No.2 to allow the applicant to appear at the selection and consider his case along with other eligible candidates".

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2. On being noticed, the Respondents have filed their counter and additional counter opposing the prayer of the applicant. They have urged that the applicant does not fulfill and comply with the mandatory requirement to be a Diploma holder, there being no Diploma Certificate furnished by him. According to Respondents, the applicant has filed only provisional Part-II Certificate. The Respondents have submitted that the Institute from which the applicant has obtained Diploma was derecognized during the period w.e.f. 11.06.2002 to 15.10.2006 and therefore, the certificate so issued by the Institution of Mechanical Engineers (India), Mumbai in November, 2005, cannot be accepted.

3. By filing rejoinder, the applicant has submitted that he had registered himself in the Institute before 11.06.2002 and the notification issued that behalf did not apply to the students who had been admitted and registered in the Institute on or before 11.06.2002. According to applicant, the said Institute has not admitted students w.e.f. 11.06.2002 to 5.10.2006.

4. We have heard Shri R.C.Prahraj, learned counsel for the applicant and Shri A.Kanungo, learned counsel for the Respondents and perused the materials on record.

5. Since the Respondents have not disputed to the status of the Institute vis-a-vis the applicant's registration prior to 11.06.2002, we feel it proper that the Respondents should reconsider the matter. Accordingly, we direct the applicant to submit a detailed representation to the Respondent-Department bringing out the date of registration and the notification laying down that the embargo does not apply to the students who have been registered on or before 11.06.2006, within a period of two weeks hence. Accordingly, the Respondents are directed to reconsider the same in the light of what has been stated above, and dispose of within a period of two weeks from the date of receipt of such representation under intimation to the applicant.

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6. With the above observation and direction, this O.A. is disposed of. No costs.

[Signature]
JUDICIAL MEMBER

[Signature]
ADMINISTRATIVE MEMBER

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