

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.285 OF 2010
Cuttack this the 31st day of March, 2011

Biswaranjan Patnaik & 4 Ors. ...Applicants

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-VERSUS-

National Aluminum Company Ltd. & Ors. ...Respondents

FOR INSTRUCTIONS

1. Whether it be referred to reporters or not ?
2. Whether it be referred to C.A.T., PB, New Delhi or not ?

(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER

(A.K.PATNAIK)
JUDICIAL MEMBER

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CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO.285 OF 2010
Cuttack this the 31st day of March, 2011

CORAM:

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

1. Biswaranjan Patnaik, aged about 48 years, S/o.Bidhu Bhusan Patnaik, At-
Remuna, PO-Deulbera, PS-Talcher, Dist-Angul
2. Amitav Das, aged about 47 years, S/. Amar Ballav Das, At-Khamakul, PS-
Sangrampur, Dist-Jagatsinghpur
3. Sukanta Ku.Das, aged about 48 years, S/o.Purnananda Das, At-
Gangadharpur, PO-Nardia, Dist-Jagatsinghpur
4. Debasis Prasad, aged about 48 years, S/o.S.N.Tarasia, At-Gandhi Nagar,
PO-Berhampur, Dist-Ganjam
5. Banamali Sethi, aged about 42 years, S/o.late Hrusikesh Sethi, At-Solar,
PO-Chatia, Dist-Jajpur

All are presently working in Executive Grade under Executive Director, Smelter
and Power Cmplex, NALCO, Angul, Dist-Angul

Applicants

...
By the Advocates:M/s.D.P.Dhalasamant & N.M.Rout
-VERSUS-

1. National Aluminum Company Ltd, Represented through its Chairman-cum-
Managing Director, NALCO Bhawan, Nayapalli, Bhubaneswar, Dist-Khurda-
751013
2. Director Personnel and Administration, NALCO, Nayapalli, Bhubaneswar,
Dist-Khurda
3. Senior Manager (HRD), NALCO Bhawan, Bhubaneswar, Dist-Khurda-
751013
4. Executive Director, Smelter and Power Complex, NALCO, Angul
5. Secretary, Ministry of Human Resource Development, Department of Higher
Education, Shastri Bhawan, New Delhi-110 001
6. Janardan Rai Nagar Rajasthan Vidyapitha (Deemed University, Pratap Nagar,
Udayapur, Rajasthan-313001

... Respondents

By the Advocates:M/s.B.Rath, J.N.Rath, S.K.Jesty, S.K.Mishra
(Res.3 & 4), Mr.D.Mund (Rs.6) & Mr.U.B.Mohapatra, SSC
(Res.5)

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ORDER

HON'BLE SHRI A.K.PATNAIK, JUDICIAL MEMBER:

1. Applicants, five in number, who have been permitted to jointly prosecute this
Original Application having a common cause of action, are presently working in

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Executive Grade under Executive Director, Smelter and Power Complex, NALCO, Angul. They are aggrieved by the inaction of the Respondent-Organization in accepting their testimonials of attaining of B.Tech qualification under Janardan Rai Nagar, Rajasthan Vidyapitha (Deemed) University with a view to adding to qualification in the respective Service Books. In the circumstances, the applicants have sought for the following relief:

"...respondents be directed to add the qualification of B.Tech award by the JRN, Rajasthan Vidyapitha (Deemed) University the date of passing the said examination with all consequential service benefits".

2. In pursuance of notice issued, Respondent Nos.1 to 4 and Respondent No.6 have filed counters separately.
3. We have heard the learned counsel appearing for the parties and perused the materials on record.
4. The main thrust of the counter filed by Respondent Nos.1 to 4 is that in the present O.A. the status of deemed University, namely, JRN Rajasthan Vidya Peetha, Udaypur is in doubt as a result of which they are unable to consider the case of the applicants.
5. On the contrary, by filing counter, it has been submitted that "there is no doubt that University Respondent No.6 is not only competent to award degree through distance education mode but also the University being a statutory body is competent to issue certificate in terms of the provisions U/s.22 of the UGC Act, hence the certificates which were granted by the Respondent No.6 to the students those who had prosecuted their study from 1st January 2001 to 31st August, 2005, is genuine and such certificates are binding on all concerned including AICTE, DEC and also the employer of the applicants".

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6. We have considered the submissions made by the learned counsel for the parties. In order to hold an opinion regarding validity of the certificates received by the applicants in respect of B.Tech qualification from JNR, the following basic point, at the very threshold is required to be determined, as the dispute centers round between Nos.1 to 4 and Res.No.6 in their respective counters with regard to status and recognition of the University.

“Whether JNR (Respondent No.6) is competent to issue B.Tech certificates as has been issued in favour of the applicant having its binding effect on all including the Respondent-NALCO”.

7. In order to determine the above disputed point, in our considered view, the Tribunal is not the proper adjudicatory forum and therefore, the Tribunal lacks jurisdiction. In so far as reliance on the decision of the Hon'ble High Court of Punjab and Haryana is concerned, the submission of Res. 1 to 4 in their counter at Page-11(Para-xxi) having not been refuted by the applicants by filing rejoinder, there is hardly any scope for this Tribunal to delve into the matter. The applicant has also not been able to produce any irrefutable proof to show that JNR (Respondent No.6) is competent to issue B.Tech certificdate as has been issued in favour of the applicants.

8. For the aforesaid reasons, we hold that the present O.A. is not maintainable and accordingly, the same is dismissed. No costs.


(C.R.MOHAPATRA)
ADMINISTRATIVE MEMBER


(A.K.PATNAIK)
JUDICIAL MEMBER

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