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CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH, CUTTACK

**O.A No.417 of 2012**

Cuttack this the 16<sup>th</sup> day of July, 2014

Bhajendra Kisku...Applicant

-VERSUS-

Union of India & Ors....Respondents

**FOR INSTRUCTIONS**

1. Whether it be referred to reporters or not ?
2. Whether it be referred to CAT, PB, New Delhi for being circulated to various Benches of the Tribunal or not ?

  
(R.C.MISRA)  
MEMBER(A)

BKS

  
(A.K.PATNAIK)  
MEMBER(J)

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HON'BLE SHRI A.K.PATNAIK, MEMBER(J)  
HON'BLE SHRI R.C.MISRA, MEMBER(A)

Bhajendra Kisku

Aged about 47 years

S/o.Raban Kisku

At present working as Electrician  
Ordnance Factory, Badmal Estate  
Po-Badmal, Dist-Bolangir  
Orissa

...Applicant

By the Advocate(s)-M/s.S.Mohanty

S.Routray

N.Tripathy

S.R.Mohapatra

S.R.Mohanty

-VERSUS-

Union of India represented through

1. The Director General  
Ordnance Factories, Govt. of India  
Ministry of Defence  
Ordnance Factory Board  
AYUDH BHAWAN, 10-A, Saheed Kshudiram Bose Road  
KOLKATA-700 001

2. The General Manager, Ordnance Factory  
At/PO-Badmal, PS-Saintala  
Dist-Bolangir, Orissa

...Respondents

By the Advocate(s)-Mr.U.B.Mohapatra  
Mr.B.K.Mohapatra



**ORDER****R.C.MISRA, MEMBER(A):**

In this Original Application, applicant, presently working as Electrician under the Respondent-Organization has approached the Tribunal praying for the following relief.

“Let this Hon’ble Tribunal be pleased to hold the applicant being entitled to appear the LDC Examination held for the purpose of filling up the post of Chargeman as to hold the certificate issued from IMB(India) being valid and pass any other and/or further order as deemed fit and proper under the circumstances of the case”.

2. Brief facts of the matter are that while working as Electrician, applicant had applied for the post of Chargeman in response to an advertisement issued by the Respondents. Since he could not receive any acceptance letter for the examination that was proposed to be commenced on 2.06.2012, he submitted a representation and having received no response, has moved this Tribunal in the present O.A. seeking relief as referred to above.

3. It is the case of the applicant that as per the instructions issued by the Ordnance Factory Board, a candidate possessing the required qualification in terms of SROs from an Institute recognized by Government of India is eligible. According to applicant, as he has obtained his Diploma in Electrical Engineering from an Institute approved and/or recognized by the Government of India, he fulfills the condition of eligibility for the post in question.





4. Respondent-Organization have filed their counter reply, inter alia submitting that the O.A. being devoid of merit is liable to be dismissed.

5. We have heard the learned counsel for both the sides and gone through the pleadings. It reveals from the record that this matter came up on 30.5.2012 for admission. This Tribunal admitted the O.A. and accordingly, directed notice to the Respondents. As an interim measure, Respondents were directed to allow the applicant to sit in the examination as per the circular dated 10.5.2012(Annexure-7) with a stipulation that the result of the examination in so far as applicant is concerned, should not be published without the leave of the Tribunal.

6. The main thrust of the counter reply filed by the Respondent-Organization is that applicant does not fulfill the requirement of SRO for filling up the post nor the Diploma Certificate obtained by him on a technical subject through correspondence is recognized by AICTE. In support of their contentions, Respondents have cited the decisions of this Bench in O.A.Nos.434/2010, 253 and 254 of 2008 disposed of on 4.4.2010 and 4.4.2011 respectively, involving similar points. In addition to this, it has been urged by the Respondents that the technical degree/diploma education imparted by institutions like J.R.N.Rajasthan Vidyapeeth University, Rajasthan and conduction of technical education and awarding of degree/diploma certificate is not legally valid.



7. We have examined all aspects of the matter. Apart from the above mentioned OAs, recently, this Tribunal had also disposed of O.A.Nos.232/2011, 290/11, 294/2011, 885/11 and 398/12 on 30.6.2014 dealing with basically on the similar point as raised in the present O.A. holding that the Tribunal lacks jurisdiction to <sup>R</sup>try and adjudicate those matters. In this connection, the relevant portion of the decision of the Hon'ble Apex Court in the case of SI Rooplal Vs Lt Governor Delhi [C.A Nos.5363-64 of 1997 with Nos.5643-44 of 1997 decided on December, 14, 1999] – 2000 Supreme Court Cases (L&S) 213, is quoted below.

“ At the outset, we must express our serious dissatisfaction in regard to the manner in which a co-ordinate Bench of the Tribunal has overruled, in effect, an earlier Judgment of another co-ordinate Bench of the same Tribunal. This is opposed to all principles of Judicial discipline. If at all, the subsequent Bench of the Tribunal was of the opinion that the earlier view taken by the co-ordinate Bench of the same Tribunal was incorrect, it ought to have referred the matter to a larger Bench so that the difference of opinion between the two coordinate Benches on the same point could have been avoided. It is not as if the latter Bench was unaware of the Judgment of the earlier Bench but knowingly it proceeded to disagree with the said Judgment against all known rules of precedent. Precedents which enunciate rules of law form the foundations of administration of justice under our system. This is a fundamental principle which every Presiding Officer of a Judicial forum ought to know, for consistency in interpretation of law alone can lead to public confidence in our Judicial system. This court has laid down time and again that precedent law must be followed by all concerned, deviation from the same should be only on a procedure known to law. A subordinate Court is bound by the enunciation of law



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made by superior Courts. A coordinate Bench of a Court cannot pronounce Judgment contrary to declaration of law made by another Bench. It can only refer it to a larger Bench if it disagrees with the earlier pronouncement".

8. Since this Tribunal has already taken a particular view on the same similar questions of facts, in order to maintain consistency and uniformity and having regard to the ratio laid down by Hon'ble Apex Court in the case of SI Rooplal Vs Governor of Delhi (supra), we do not feel inclined to make a departure from the view already taken and accordingly, we hold that the Tribunal lacks jurisdiction to try and adjudicate this matter. In the circumstances, the O.A. is dismissed. No costs.

  
**(R.C. MISRA)**  
**MEMBER(A)**

BKS

  
**(A.K. PATNAIK)**  
**MEMBER(J)**