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J.K.Ranjit-Vrs-UOI

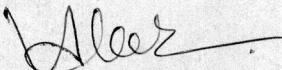
ADMISSION SI.1
OA No. 218/2013

ORDER dated 21st May, 2013

CORAM
THE HON'BLE MR.A.K.PATNAIK, MEMBER(JUDL.)
THE HON'BLE MR.R.C.MISRA, MEMBER(ADMN.)
.....

By order dated 15.5.2013, Mr.S.K.Ojha, Learned
Counsel for the applicant was allowed liberty to amend the OA by
way of incorporating the Recruitment Rules. Mr.Ojha, Learned
Counsel for the applicant submits that he has filed an application
for amendment and the recruitment rule after serving copy thereof
on the other side. But those documents are not in record. Hence
call this matter after vacation. Meanwhile registry is directed to
bring those documents into the record. Interim order to continue till
next date.


Member(Admn.)


Member (Judl.)

J.K.Ranjit Vrs. UOI

O.A. No. 218 of 2013

Order dated: 28.06.2013

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER (ADMN.)

.....

Sri S.K.Ojha, Ld. Counsel for the applicant, and Sri S. Barik, Ld. Additional Central Govt. Standing Counsel, are present.
Heard them.

By filing M.A. No. 367/13, Ld. Counsel for the applicant, has made a prayer for amendment of this O.A. on the following grounds:

L
“While filing the Original Application, the applicant has quoted the eligibility criteria as has been indicated in the Recruitment Rules without annexing the same. Therefore, while considering the matter, it is felt that the copy of Recruitment Rules needs to be incorporated in the Original Application for necessary consideration of this Hon'ble Tribunal. Therefore, the extract of the Recruitment Rules with supporting pleadings are required for incorporation by way of amendment which will never change the nature and character of the Original Proceedings.”

Such an amendment will not change the nature of pleadings or the prayer in the O.A. It is only *the* *by* *L* way of enclosing copy of the Recruitment Rules, which will help in adjudication of this case by the Tribunal.

R.C. Misra

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Although Sri S.Barik, Ld. ACGSC, has submitted that he would like to file an objection, it is not considered necessary to file an objection in this matter since there is no change in the nature of pleadings or prayer by way of incorporating this amendment.

Amendment is, accordingly, allowed. Ld. Counsel for the applicant may file consolidated O.A. by 15.07.2013 after serving a copy thereof on the Ld. Counsel for the Respondents. However, the Annexures, which have been filed in the O.A., may be utilized in consolidated O.A. After the consolidated O.A. is filed and served on the Ld. Addl. Central Govt. Standing Counsel, matter may be put up for hearing on admission.

M.A. 367/13, is accordingly, disposed of.

Interim order shall continue till the next date of listing.


MEMBER(Admn.)

RK

13

J.K.Ranjit vs.UOI

HEARING SL.NO.3

O.A.No.218/13

Date-13.08.2014

CORAM

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

Shri S.K.Ojha, learned counsel for the applicant submitted that this being a Division Bench matter, may be listed before the Division Bench for hearing. Accordingly, the matter be posted to 15.9.2014 for hearing before the Division Bench. Shri S.Barik, learned ACGSC for the Respondents is present and heard.

MEMBER(A)

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J.K. Ranjit -Vrs- UOI

For Hearing Sl.No.07
O.A. No.218/13

Order dated 15th September, 2014

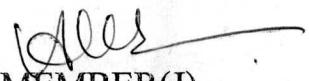
CORAM

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

.....

On the prayer made by Mr. S.K. Nayak, Ld. Counsel appearing for the applicant, list this matter on 13.10.2014 for hearing. Mr. S. Barik, Ld. Addl. CGSC appearing for the Respondents is present.


MEMBER(A)


MEMBER(J)

K.B.

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J.K.Ranjit Vrs. UOI

Hearing Sl. No. 3
O.A. No. 218 of 2013
Order dated: 13.10.2014

CORAM
HON'BLE SHRI A. K. PATNAIK, MEMBER (JUDL.)

.....

Mr. S.K.Ojha, Ld. Counsel for the applicant, and Mr. S.Barik, Ld. Addl. Central Govt. Standing Counsel appearing for Respondents, are present.

This being a Division Bench matter, list this matter on 28.10.2014 before the Division Bench.


MEMBER(Judl.)

RK

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J.K. Ranjit -Vrs- UOI

Hearing Sl.No.04
O.A. No.218/13

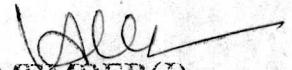
Order dated 28th October, 2014

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

.....

During mention hour on the prayer made by Mr. S.K. Ojha, Ld. Counsel appearing for the applicant list this matter week commencing 17.11.2014. Mr. S. Barik, Ld. ACGSC appearing for the Respondents is present.


MEMBER(A)


MEMBER(J)

K.B.

17
J.K.Ranjit vs. UOI

HEARING SOLNO.3
O.A.No. 218/13
Date-17.11.2014

CORAM
HON'BLE SHRI R.C.MISRA, MEMBER(A)

This being a Division Bench matter, list this matter on 04.12.2014 for hearing before the Division Bench. Shri S.K.Nayak, learned counsel for the applicant and S.Barik, learned ACGSC for the Respondents are present.


R.C. Misra
MEMBER(A)

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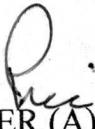
J. K. Ranjit Vs. Vs. UOI

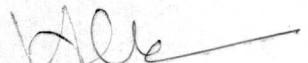
HEARING SL. No. 4
OA No. 218/2013
Order dated 04th December, 2014

CORAM

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

Heard Mr. S.K. Ojha, learned counsel for the applicant and Mr. S. Barik, learned Additional CGSC for the respondents. Mr. Ojha has strenuously argued on the point that Library Science by no stretch of imagination can be a degree of Science or Diploma in Engineering. Heard in part. List this matter on 15.01.2015. The interim order already issued earlier, shall however, continue till the next date of hearing.


MEMBER (A)


MEMBER (J)

J

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J.K. Ranjit -Vrs- UOI

For Being Spoken To Sl.No.04
O.A. No.218/13

Order dated 27th January, 2015.

CORAM

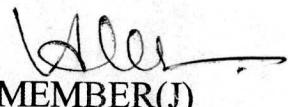
HON'BLE SHRI A. K. PATNAIK, MEMBER (J)
HON'BLE SHRI R.C.MISRA, MEMBER (A)

.....

Written notes of submissions have been filed by learned
counsel for both the sides. Accordingly, orders are reserved.



MEMBER(A)



MEMBER(J)

K.B.

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J.K.Ranjit vs.UOI

PART HEARD SL.NO.4

O.A.No.218/13

Date-15.1.2015

CORAM

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

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

Heard Shri S.K.Ojha, learned counsel for the applicant and Shri S.Barik, learned ACGSC. Shri Ojha submitted that the applicant who is a Diploma holder in Nursing has challenged the notification dated 13.3.2013 notifying for recruitment of STA 'B' in DRTC for the Recruitment Cycle, 2012-13 through LD~~E~~CE. According to Shri Objha undr the column-Subject/Discipline, a number of subjects have been given covering technical as well as Library Science and nursing etc. Shri Ojha submitted that the Recruitment Rule for the purpose clearly stipulates "for post requiring qualifications in Scientific or Technical Subjects" Bachelor's degree in Science or Three years Diploma in Engineering or Technology or Computer Science, or allied subjects in the required discipline whereas for post requiring qualification in Library Science or Information Science and Documentation, Bachelor's degree in Science with minimum one year Diploma in Library Science. Shri Ojha's main plank of argument is that A/1 notification is quite vague as it is a Technical Assistant

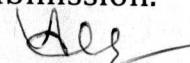


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post whereas the Respondents have not categorically notified whether they want candidates having technical qualification or having qualification in Library Science or other allied qualifications.

Hearing in the matter is concluded. To enable the learned counsel for both the sides, call this matter on 27.1.2015 under the heading FOR BEING SPOKEN TO, by which time they will file their respective notes of submission.

MEMBER(A)




MEMBER(J)

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J.K. Ranjit -Vrs- UOI

Pronouncement of Orders Sl.No.04
O.A. No.218/13

Order dated 9th September, 2015.

CORAM

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

.....

Order pronounced in the open Court vide separate sheet attached to the record. For the reasons stated therein the O.A. stands allowed.


MEMBER(A)


MEMBER(J)

K.B.

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No.218 of 2013

Cuttack, this the 9th day of September, 2015

Sri Jayant Kumar Ranjit Applicant

-Versus-

Union of India & Others Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not?
2. Whether it be referred to PB for circulation?


(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

O.A. No.218 of 2013
Cuttack, this the ~~9~~ ¹⁰ day of ~~Sept~~, 2015

CORAM

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

Sri Jajant Kumar Ranjit,
Aged about 54 years,
Son of late Dhurba Charan Ranjit,
Presently working as Medical Attendant,
Health Care Centre,
Integrated Test Range,
At/P.O. Chandipur,
Dist-Balasore-756025

..... Applicant

(Advocates: M/s. S.K. Ojha, S.K. Nayak)

VERSUS

Union of India Represented through

1. Secretary to Government of India,
Ministry of Defence,
Sena Bhawan,
New Delhi-110011.
2. The Director General & Scientific Adviser
to Rakhy Mantri,
Research & Development Organization,
Ministry of Defence,
Sena Bhawan,
New Delhi-110011
3. The Director-Cum-Chairman of Selection Board,
Interim Test Range,
At/PO-Chandipur,
Dist-Balasore-756025.

..... Respondents

(Advocate: Mr. S. Barik)



ORDER

A.K. PATNAIK, MEMBER (J):

The history of the department to which the applicant belongs as betokens from the record is that this is Defence Research and Development Organization (in short 'DRDO') which is dedicated towards development of indigenous weapon systems and equipments for defence forces. The organization has more than 50 labs, who undertake research and Development projects ⁱⁿ various fields. Due to the very nature of the organization, it does not have a static authorization of manpower for each of its lab. The manpower requirement of each lab is assessed by manpower Planning Board constituted by the DRDO HQ on years to year basis. The number of posts to be filled by each lab is allocated to labs by DRDO HQ keeping in view the project requirement of the lab vis-à-vis requirements of other labs and availability of vacant posts within the overall manpower permitted to the organization by the Government. The Respondents' Lab has crucial duty of testing various missile systems developed by the organization. It has the requirement of Senior Technical Assistant 'B' (Group 'B' post in PB-2 with GP Rs.4600/-) in 15 disciplines approved by the DRDO HQ. The Respondents' Lab released one vacancy to be filled in through Limited Departmental Competitive Examination out of the vacancies of the year 2013 vide Notification No. 84/2013 dated 13.03.2013 and modified notification No. 102/2013 dated 29.3.2013 inviting applications.

2. Being aggrieved, the Applicant who is working as Medical Attendant, Health Care Centre, Integrated Test Range, Chandipur, Balasore in the State of Odisha the applicant has filed this Original



Application under section 19 of the Administrative Tribunals Act, 1985
seeking the following reliefs:

- "(i) To admit the Original Application;
- (ii) To quash the selection notification issued under the Office Notification No. 84/2013 dated 13.03.2013 and modified notification issued vide Office Notification No. 102/2013 under Annexure-A/1 & A/2 respectively;
- (iii) To pass any other order/orders as deemed fit and proper in the circumstances of the case and for ends of justice."

3. The Respondents have filed their counter questioning the very maintainability of this OA as also opposing the prayer of the applicant. In so far as maintainability of the matter is concerned it has been stated that before being appointed to the present organization, the applicant was serving as a Nursing Assistant in Army Medical Corps in Indian Army from 2nd March, 1978 to 31st March, 1998. Thereafter, he passed Health and First Aid Training Examination from Para Medical Training Institute of Balasore in December, 2001. The subject of the examination was Community Health and Nursing Care, First Aid and Emergency care and the duration of the course was only six months. As such the qualification possessed by the applicant does not make him eligible for appointment to the post of Senior Technical Assistant 'B' (STA 'B') in DRDO. Further he has not applied for the post of STA B for the cycle 2012-2013 being not eligible for the post. As such the applicant has no locus standi to file this OA and therefore this OA is liable to be dismissed.

4. In so far as merit of the matter is concerned, it has been stated that as per the DRTC Rules, 2000 the eligibility criteria for appointment to the post of STA 'B' is "Bachelor's degree in Science OR three years



Diploma in Engineering or Technology OR Computer Science OR allied subjects in the required discipline. The required discipline is linked with the functional requirement of the DRDO Labs/Establishments and varies from Lab to Lab and for identifying the required discipline/subjects in each Lab, the DRDO HQ have issued guidelines dated 08.09.2010 providing that the same should be identified by a Committee of Scientists based on the functional view point. Upon identification of the specializations/qualifications/disciplines the list of recommended subjects/disciplines was forwarded to the concerned Technical Directorate of DRDO HQ for vetting and the same got approved from the competent authority. Where after, notification was issued. According, the Respondents have prayed that this OA being devoid of any merit is liable to be dismissed.

5. Despite due opportunity by way of granting adequate time no rejoinder has been filed.

6. Heard Mr.S.K.Ojha, Learned counsel for the applicant and Mr. S.Barik, Learned Additional CGSC appearing for the Respondents and perused the material placed on record.

7. According to Ojha, Learned Counsel for the Applicant, placing reliance on the averments made in the OA argued that the selection notification so issued for the year 2013-2014 is contrary to the rules inasmuch as the eligibility criteria indicated therein is not in consonance with the eligibility criteria prescribed in the Rules. Since the post is one, while issuing notification, the authority concerned ought to have specified the discipline for which the selection is to be made and had it been so, then



the employees from particular group or steam could have applied for the said post. As per the Recruitment Rules the discipline of Library science is distinct from other categories. The present notification was issued including the persons having diploma in Library science and also nursing. The post of STA B is a technical post and meant for research work in particular discipline. Therefore, allowing all the categories to take part in the selection without specifying the discipline would lead to monopoly in selecting the candidate which is antithetical to Rule of law. Accordingly, Mr. Ojha, has prayed for allowing the prayer made in this OA.

On the other hand, amine adverting upon the stand taken by the learned Counsel for the applicant has vehemently opposed the prayer of the applicant by reiterating the stand taken in the counter and accordingly, he has prayed for the dismissal of this OA.

8. We have considered the rival submissions of the parties and perused the records. In the notification notice dated 13.3.2013 under the Heading Essential qualification it is mentioned "Bachelor's degree in Science from recognized University/Institute or Three Years Diploma in Engineering from Recognized Technical Board/Institute in any of the under mentioned subjects/discipline and under the subject/discipline it has been mentioned (a) Electronics; (b) Electronics & Communication (c) Instrumentation (d) Electronics and Instrumentation; (e) Electrical (f) Electrical and Electronics (g) Instrumentation and Control (h) Power Electronics (i) Automobile (j) Mechanical Engineering (k) Computer Science/Engineering (l) Library Science (m) Civil (n) Information Technology(O) Nursing" which prima facie do not show that the aforesaid



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qualification can be treated as Bachelor's degree in Science or three years Diploma in Engineering from recognized Technical Board/Institute. Therefore, vide order dated 17.4.2013 the Learned Additional CGSC appearing for the respondents was specifically treated to take instruction and apprise this Bench as to how Library Science and Nursing have been included under the subject discipline. Besides, Mr. Barik was also directed to obtain instruction and apprise us the post which is sought to be filled up belongs to which category. The trite is the position of law that the authority concerned has to specify in the notification inviting application about the number of vacancies, year of vacancies, the category essential and desirable qualification and experience which must not be what has been provided in the Recruitment Rules. But neither in the counter nor in course of argument the above point was clarified from the side of the Respondents. According to the Respondents as per the DRTC Rules, 2000 the eligibility criteria for appointment to the post of STA 'B' is "Bachelor's degree in Science OR three years Diploma in Engineering or Technology OR Computer Science OR allied subjects in the required discipline. The post so advertised is a technical post but we fail to understand as to how the employees possessing with the qualification Library Science and Nursing have been included under the subject discipline and the notification as also the counter is conspicuously silent whether the respondent authority desire candidate having technical qualification or having qualification in library science or other allied qualifications. At this juncture, we feel it proper to highlight some relevant points which are as under.

9. We have observed from the counter-affidavit in the case that the qualification possessed by the applicant does not make him eligible for appointment for the post of 'Senior Technical Assistant B' in DRDO.

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Fufther, the applicant in the O.A. has not even applied for the post of STA 'B' for the cycle 2012-13 being not qualified for the post. We have noted the submission of the respondent that in view of the above, the applicant has no locus standi to challenge the vires of the notification for LDCE for recruitment of STA 'B'. To be fair to the argument of the respondent, we must observe that applicant has failed to bring out in specific terms how he is affected by the notification when he has not even applied in response thereto.

10. Another striking lacuna in the case of the applicant is that without approaching the concerned departmental authorities in the matter of airing his grievance, he has preferred to rush to the Tribunal seeking the relief of getting the notification struck down.

11. However, having noted the above shortcomings in the case of the applicant, we cannot afford to ignore the inconsistencies in the position taken by the respondnets. In para-9 of the counter they have submitted that there is a requiremenent of STA 'B' in the laboratory which has a crucial duty of testing various missile system, and that this requirement is in 15 disciplines approved by DRDO Headquarters. Only one vacancy in the LDCE stream is released by the respondent lab. The vacancy was notified for filling up from amongst candidates belonging to the above fifteen streams which are not required by the lab keeping in view its projects. In order to encourage competition the LDCE was made open to candidates for all disciplinles. It is, however, not comprehended how candidates hailing from 15 disciplines, raning from Electronics and many other technical disciplines right down to Library Science and Nursing could be considered for selection to the one post of Senior Technical Assistant – B which must be having specific job discriptions. An earlier notification dated 12.2.2012

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has come to our notice in which candidature for LDCE was invited for one post of STA 'B" (UR) with educational qualification on the subject of 'Nursing-Midwifery'. This constrasts with the notification dated 13.3.2013 which appears to suffer from non-application of mind.

12. We are for the above reasons, constrained to quash the selection notification issued under the Office Notification No. 84/2013 dated 13.03.2013 and modified notification issued vide Office Notification No. 102/2013 under Annexure-A/1 & A/2 and accordingly, the same are quashed. The respondnets are however, free to issue fresh notification, if so desired in which they may lay down in clear and specific terms the objectives of their recruitment process, the job description of the posts advertised for as well as the detailed eligibility criteria and educational qualifications desired from the candidates.

The O.A. is accordingly, allowed to the extent stated above, with no order as to costs.

(R.C.MISRA)
MEMBER(A)


(A.K.PATNAIK)
MEMBER(J)

K.B.