

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, BOMBAY
CAMP AT NAGPUR
* * * * *

(9)

Original Application No.35/91 & 127/91

1. Mohan A. Kelkar,
R/o. Wedhijas Bungalow,
Bauate Colony,
Nagpur, & 10 others ... Applicants
(OA 35/91)
2. Vamanrao B. Janabhandu,
R/o. 8/30/1 Ordnance Factory,
Ambajhari, Nagpur-21 & 11 ors. ... Applicants
(OA 127/91)

V/s

1. The Secretary, Ministry of
Defence, Deptt. of Defence
Production, South Block,
New Delhi 110 001.
2. The Director General,
Ordnance Factories,
10-A, Auckland Road,
Calcutta 700 001.
3. The General Manager,
Ordnance Factory Ambajhari,
Nagpur - 21. ... Respondents

CORAM : Hon'ble Vice-Chairman, Shri Justice U.C. Srivastava
Hon'ble Member (A), Shri M.Y. Priolkar

Appearances:

None present for the
applicant.

Mr. Ramesh Larda, Counsel
for the respondents.

ORAL JUDGEMENT:

Dated : 20.11.1991

(Per. U.C. Srivastava, Vice-Chairman)

As the facts and reliefs claimed in these two
applications are similar and only a short question is
involved in these applications, they are being admitted
and disposed of together.

2. The applicants who are employees of Ordnance
Factory, Ambajhari, Nagpur have prayed that the
Resolution No.2 No.411/Comp/E/S/I dated 29.12.89 be

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declared as ultravires, illegal, unlawful, in-operative, null & void and the respondents be directed to grant exemption from appearing in the competency test conducted by the Respondent No.2. The said O.R. which has been challenged in these applications is in respect of the competency of staff authorised to supervise and execute electrical works. That in order to cover the fields of work expected to be within the Ordnance Factories and for maintaining uniformity of standards based on the recommendation of the Committee set up for the purpose, the O.F.Board has approved that all eligible should appear in the Supervisor Electrical (General) Competency test conducted by O.F.Board and no exemption will be given to the holders of Supervisors Licence from any of the Licensing Boards. The applicants claim that they have obtained the competency certificate from Maharashtra Government in the year 1979 and as such they were to be exempted and certain individuals who have passed the Supervisory Competency Certificate from Maharashtra Government have been exempted and as such the principle of premissory estoppel comes into play. The respondents have pointed out that under 36(1) of the Indian Electricity Act, 1910, the appropriate Government is empowered to appoint a duly qualified person to be the Electrical Inspector by publishing a notification in the official gazette. For ordnance factories, the necessary notification has been published by the Ministry of Energy, Department of Power on May 4, 1988 and in order to fulfil the obligations competent persons only can be appointed and for that qualifications have been prescribed and that is why the competency certificate has been demanded. Merely because the applicants have obtained