

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION No.326/2018

Date of Decision: 3rd May, 2018

CORAM:HON'BLE SHRI ARVIND J. ROHEE, MEMBER (J)

1. Amol Ramdas Gaikwad
S/o Ramdas Balkrishna Gaikwad
Trade – DBW,
R/at Sarkarwada, Sutar Lane
Ozar Mig, Tal- Niphad,
Dist. Nasik 422 206.
2. Umesh Shriram Mankar,
S/o Shriram Paiku Mankar
Trade – DBW
R/at Dattatray Nagare Tumsar,
Tal – Tumsar,
Dist – Bhandara 441 912.
3. Anil Kumar
S/o Toofani Kumar Trade-DBW,
R/at Shastri Market Power House
Khursipar Bilai, Dist. Durg
- 490 011.
4. Shiv Shankar Parida
S/o Prakash Kumar Parida
Trade – DBW,
R/at Zone-1, Ward No.27,
Power House Khursipar Bhilai,
Dist. Durg – 490 011.
5. Gopal Mohanrao Sable
S/o Mohanrao Sable
Trade – DBW,
R/at Post Dabha (Bhandara)
Tal – Nandgao,
Dist. Amravati 444 701.

6. Gajanan Gulabrao Lohari
S/o Gulabrao Lohari
Trade – Examiner Filling,
R/at Post, C/o N.G. Lohar,
P/N-61, Sai Nagar, Near
Laxmi Nagar, 60 Dhani Road,
Zingabai Takli, Nagpur 440 030.
7. Nilesh Kumar Ishwarlal Kulmati
S/o Ishawarlal Kulmati
Trade – DBW,
R/at Post Rewal, Tal – Mouda,
Dist. Nagpur.
8. Ajaykumar Premalal Lanjewar
S/o Paremalal Lanjewar
Trade – DBW,
R/at Post Rajegon, Tal &
Dist. Gondia 441 601.
9. Dongare Chandrakant Dadarao
S/o Chandrakant Dadarao
Trade – DBW,
R/at Post – Jawahar Nagar,
Tal & Dist. - Bhandara 441 906.
10. Biswas Ashimkumar Jiten
S/o Biswas Jiten
Trade – DBW,
R/at Suyag Nagar,
Sitaram Mandi, At Rajendahegaon,
Post – Jawahar Nagar, Tal &
Dist – Bhandara 441 906.
11. Roshan Raju Bandebuche
S/o Raju Bandebuche
Trade – DBW,
R/at Hanuman Ward, Warthi,
Tal – Mohadi, Dist. Bhandara -
441 905.

12. Chaetan Anil Kale
 S/o Anil Kale,
 Trade – DBW,
 R/at Shivaji Ward, Behind
 Govt. D ed College, Bhandara
 Tal & Dist. Bhandara 441 904.

13. Shrawan Kumar
 S/o Vishnu Kumar
 Trade – DBW,
 R/at Qrt. No.41/A, Pocket-F,
 Maroda Sector Bhilai,
 Dist. Durg – 490 006.

14. Ramteke Prajwalit Ramesh
 S/o Ramteke Prajwalit
 Trade – Examiner
 R/at Sawari, Post Jawaharnagar,
 Tal & Dist. Bhandara 441 906. ... **Applicants**

(Advocate By Shri S.V. Marne)

Versus

1. Union of India,
 Through the Secretary,
 Ministry of Defence,
 Department of Defence Production,
 South Block, New Delhi 110 001.

2. The Director General,
 Directorate General of Ordnance
 Factories, S.K. Bose Road,
 Kolkatta 700 001.

3. The General Manager,
 Ordnance Factory,
 Dehu Road – 412 101. ... **Respondents**

ORDER (ORAL)**PER: SHRI ARVIND J. ROHEE, MEMBER (J)**

Today Division Bench is not available. Hence, the matter is taken up by urgent circulation before Single Bench for Admission.

2. Heard Shri S.V. Marne, learned Advocate for the applicants. I have carefully perused the case record.

3. This is second stage litigation. In the previous OA No.100/2018, this Tribunal vide order dated 06.02.2018, issued the following directions to the respondent No.3:-

"5. In view of this, Respondent No.3 is directed to consider the pending representation of the applicants and submit its response to it giving reasons as to why the Trade test of short-listed candidates is kept pending from the year 2015, within a period of four weeks from the date of receipt of certified copy of this order.

6. The order so passed shall then be communicated to the applicant at the earliest, who will be at liberty to approach the appropriate forum, in case his grievance still persists.

7. The OA stands disposed of with the aforesaid directions at the admission stage, without issuing notice to the respondents.

8. Registry is directed to forward certified copy of this order to both the parties at the earliest."

4. It is pointed out that although the applicant qualified the written test, the respondents have illegally deferred holding of the qualifying trade/practical test, on the basis of some complaints made by the Employees' Union.

5. In this OA, following reliefs are sought:-

"8(a) This Hon'ble Tribunal be pleased to call for the records of the case from the respondents and quash and set aside the order No.1915/CC/ASG&Ors/98/VIG/18 dated 28.03.2018.

(b) This Hon'ble Tribunal may further be pleased to direct the respondents to forthwith conduct Trade Test of the applicants and other short listed candidates vide list dated 15.10.2015 for appointment on the post of Semi Skilled (DBW) and Semi Skilled (Examiner) in Respondent No.3 factory.

(c) This Hon'ble Tribunal may further be pleased to direct the respondents to appoint the applicants on the posts of Semi-Skilled (DBW) and Semi-Skilled (Examiner), if they are found suitable in the Trade Test by granting them all consequential benefits from 01.11.2015.

(d) Cost of the application be provided for.

(e) Any other and further order as this Hon'ble Tribunal deems fit in the nature and circumstances of the case be passed.

6. The record shows that by the impugned order dated 28.03.2018 (*Annexure A-1*), the respondents have compelled with the directions issued in previous OA by disclosing reasons for withholding the trade/practical test. Paragraph No.7 of the said order further states as under:-

"7. OFDR has been directed by Ordnance Factory Board on 24.03.2016 to put on hold Trade Test of shortlisted candidates for practical/trade test for DBW and Examiner. The matter is being investigated by the Investigative Team of MOD. The necessary clearance from OFB/MOD has not been received by OFDR till date. After getting the directives/clearance from MOD/OF Board, Kolkata, necessary action to that regard will be taken by GM/OFDR."

7. It is thus obvious that so far no final decision has been taken by the respondents in the matter of pending recruitment process. In paragraph No.3 of the said order, it is also stated that there is no evidence of any nature regarding any irregularities pointed out or submitted by them.

8. While disposing of the previous OA, a direction which is now being issued in this OA could have been issued. However, the same was not done under expectation that by that time the respondents will take a final decision in

the matter. However, since the same is not done, the applicants once again were required to approach this Tribunal in the present OA.

9. Considering the peculiar facts of the case, this OA can be disposed of with appropriate directions in the matter.

10. Respondent Nos.1 & 2 are, therefore, directed to take appropriate steps as expeditiously as possible and preferably within a period of six weeks from the date of receipt of certified copy of this order towards finalisation of the pending recruitment process, initiated vide Advertisement dated 11/17.07.2015 to fill up 170 Group 'C' posts in Semi-Skilled Grade in various trades, which includes 105 posts of Danger Building worker and 22 posts of Semi-Skilled (Examiner) by taking appropriate steps in the matter.

11. The decision so taken, shall then be communicated to the applicants at the earliest, who will be at liberty to approach the appropriate forum, in case their grievance still persists.

12. The OA stands disposed of with the aforesaid directions at the admission stage

without issuing notice to the respondents and without making comments on merit of the claim.

13. Registry is directed to forward certified copy of this order to both the parties at the earliest for taking appropriate steps in the matter.

Dasti.

(A.J. Rohee)
Member (J)

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