

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.100/2018.

Date of Decision: 06.02.2018.

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

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 Premlal 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. Chetan 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 A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Shri Vishal Shirke, learned counsel holding for Shri S.V. Marne, learned Advocate for the Applicant. We have carefully perused the case record.

2. The Applicants have filed the present

OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:

“8.a) This Hon'ble Tribunal be pleased to call for the records of the case from the respondents and 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.

8.b) 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.

8.c) Costs of the application be provided for.

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

3. The Applicants have grievance that although they have qualified the written test in pursuance of the Advertisement issued, the respondents have not taken any steps to hold the Trade test of the short-listed candidates, from the year 2015. As such, the recruitment process has not been completed nor any reasons are given to the candidates therefore. It appears that the applicants have taken recourse to the provisions of RTI Act and it was informed

that Vigilance inquiry is being conducted in respect of selection and hence the selection process is not finalized. Thereafter, the applicants have submitted representations in October, 2017 to the Respondent No.3. However, it is stated that nothing has been heard from the other end so far.

4. Considering the peculiar facts of the case, we hold that when a candidate applies in pursuance of the Advertisement, appeared for examination and qualified it, he has every right to know why the recruitment process is hauled up and not completed.

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.

(R. Vijaykumar)
Member (A)

(A.J. Rohee)
Member (J)

dm.