CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION Nos. 633/2017.

Date of Decision: 31.01.2018.

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

Yogesh Arun Vispute,
R/at Gandhi Nagar, Sai Krupa,
Near Water Tank, Bhusawal,
Dist. Jalgaon 425 201. ... ***Applicant***
(Advocate by Mrs. B.M Vaishnav)

Versus

1. Union of India through
Ministry of Defence,
Ordnance Factory Board,
10-A, S.K. Bose Road,
Kolkatta – 700 001.

2. Chief Vigilance Officer
Department of Vigilance,
Ordnance Factory Board,
10-A, S.K. Bose Road,
Kolkatta – 700 001.

3. Ordnance Factory Board,
Ayudh Bhavan, 10-A,
S.K. Bose Road, Kolkatta 700 001
Through Its Chairman.

4. Indian Ordnance Factory,
Ordnance Factory Bhusawal
Tq. Bhusawal, Dist. Jalgaon,
Through its General Manager. ... ***Respondents***

ORDER (Oral)
Per : Shri A.J. Rohee, Member (J)

Today when the matter is called out for admission, heard Smt. B.M. Vaishnav, learned Advocate for the Applicant. We have carefully perused the case record.

2. In this OA filed by the applicant on 26.04.2017 under Section 19 of the Administrative Tribunals Act, 1985, he has grievance regarding inaction on the part of the respondents to issue appointment orders for the post of Fitter Semi-skilled although his name is included in the final result published by respondents. In the OA, the following reliefs are, therefore, sought:-

> *"8.a) The cancellation of the selection process may kindly be quashed and set aside and the respondents may kindly be directed to given appointment to the petitioner as per selection list.*
>
> *8.b) The respondents may kindly be directed to give appointment order to the petitioner forthwith;*
>
> *8.c) The respondents may kindly be directed to produce final selection list before this Hon'ble Tribunal.*
>
> *8.d) The Respondents may kindly be directed to consider the petitioner as qualified candidate.*
>
> *8.e) Any other suitable and equitable relief may kindly be granted.*
>
> *8.f) Cost of this application be saddled on the respondents.*
>
> *8.g) Any other relief as this Hon'ble Tribunal may deem fit in the facts and circumstances of the case."*

3. The Respondents issued Advertisement dated 24.12.2011 in Lokmat Newspaper (Jalgaon Edition), initiating recruitment process to fill up 67 vacant semi-skilled worker posts in different trades in Ordnance Factory Bhusawal. The Applicant considered

himself eligible as semi-skilled Fitter and applied for the said post. He qualified in the written examination held on 27.05.2012. He then appeared for practical test on 01.06.2012 and final result was declared in which the applicant's name was included. However, no steps were taken thereafter by the respondents to issue the appointment orders.

4. Considering the above facts, there are no impugned/adverse order as such by which the claim is denied and inaction on the part of the respondents to take further steps for issuing appointment orders to successful candidates including the applicant alone is challenged.

5. It is stated by learned Advocate for the applicant that the information sought by the applicant under RTI Act, revealed in reply dated 10.10.2013 that the Ordnance Factory Board has decided to cancel the recruitment examination for 67 posts of IEs (Tradesmen) for which results were withheld and conduct recruitment examination afresh. Surprisingly, when another candidate sought information under RTI Act, he was informed

by letter dated 14.10.2013 that recruitment of 67 posts of Semi-skilled labours is still in process and has not been completed. According to learned Advocate for the applicant, contradictory information is supplied and since the applicant's name finds place in the final list, directions should be given to the respondents to issue the appointment orders.

6. It, however, appears from record that recruitment for the posts of IEs (Tradesmen) only has been cancelled and the Advertisement (Annexure A-1) issued by the respondents to fill-up vacant post in Semi-skilled in various trades does not mention any post like IEs (Tradesmen). It also appears from record that the recruitment process to fill up the vacant posts of Semi-skilled in different trades has not been finally concluded, since appointment orders are not issued to the successful candidates. Roll number allotted to the applicant as per Annexure A-2 finds place in the final result to fill up 67 posts of Semi-skilled vide Annexure A-3 under Fitter Trade.

7. During the course of arguments, the

learned Advocate for the applicant produced before us, a photocopy of the Advertisement No. 10201/11/0209/1718 issued by the Ordnance Factory Board in the month of May 2017 inviting applications to fill up vacant posts of Industrial Employees (Semi-skilled) and Labour Group 'C' in various Ordnance Factories throughout the country. These include positions in the State of Maharashtra at Ammunition Factory Khadki, High Explosives Factories, Ordnance Factory Ambajhari, Bhandara, Chandrapur and Bhusawal. In the case of Bhusawal factory, vacancies mentioned include posts that had been advertised and results withheld in the previous selection that included the applicant both in terms of trade category and in terms of number of vacant positions. However, considering the fact that the said advertisement is issued in May 2017, there was no bar for the respondents to finalize the previous recruitment process initiated by them in the year 2011. It appears that the applicant has not applied for any semi-skilled grade for Bhusawal or other Ordnance Factories in pursuance of the aforesaid

advertisement published in May 2017 for whatsoever reason. However while considering this OA, we cannot make any further comments in this behalf, except that the respondents are under obligation to give intimation to select candidates disclosing reasons for not issuing appointment orders or cancellation of selection process.

8. During the course of arguments, learned Advocate for the applicant submitted that by this time the applicant has become age barred and hence can't apply for subsequent recruitment process and hence directions should be issued to the respondents to issue appointment orders in his favour. However, this cannot be done since it is the exclusive prerogative of the respondents to finalize the recruitment process or to cancel it for valid reasons. However, since appointment orders are not issued from last about five years and according to respondents the process is still not finalized, there must be some administrative difficulty to issue the appointment orders in finalization of recruitment process.

9. In such circumstances of the case, at this stage no relief can be granted to the applicant except issuance of directions to the respondents to finalize the pending recruitment process for the post of Semi-skilled in various trades as per Advertisement dated 24.12.2011 by taking appropriate decision on it, under intimation to the applicant.

10. In the event, it is decided to scrap/cancel the selection process, the same be communicated to the applicant who will have liberty to take appropriate steps in the matter.

11. The OA stands disposed of accordingly with the above directions.

12. MA for condonation of delay also stands disposed of with no order as to costs.

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

(R. Vijaykumar) ***(A.J. Rohee)***
Member (A) ***Member (J)***

dm.