

LIBRARY**CENTRAL ADMINISTRATIVE TRIBUNAL
KOLKATA BENCH, KOLKATA**

No. O.A. 1437 of 2016

Date of order: 13.3.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Dr. Nandita Chatterjee, Administrative Member

Sri Sunit Kumar Jana,
 Son of Sri Shyamcharan Jana,
 Aged about 43 years,
 Ex-Servicemen,
 Vill. – Baranal Geria,
 P.O. – Atbati,
 P.S. Egra,
 Pin. – 721422,
 Dist. – Purba Medinipur (WB).

... Applicant

- VERSUS -

1. Union of India,
 Through its Secretary,
 Ministry of Defence,
 South Block,
 New Delhi – 110 001;

2. Chairman-cum-Director General,
 Ordnance Factories Board,
 10-A, Shaheed S.K. Bose Marg,
 Kolkata – 700 001;

3. Senior General Manager,
 Metal & Steel Factory,
 Ishapore,
 P.O. – Ishapore – Nawabganj,
 District – 24 Parganas (North),
 West Bengal,
 Pin – 743 144;

4. Joint General Manager,
 Metal & Steel Factory,
 Ishapore,
 P.O. : Ishapore – Nawabganj,
 District – 24 Parganas (North),
 West Bengal,
 Pin – 743 144.

.. Respondents



For the Applicant : Mr. R.K. Jaiswal, Counsel

For the Respondents : Mr. B.P. Manna, Counsel

ORDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

The instant Original Application has been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:-

(I) A declaration that the applicant does possess certificates meeting the essential prescribed qualification for appointment to said Group – C posts of Semi-Skilled Grade as per employment notification issued by Government of India, Ministry of Defence, Indian Ordnance Factories, Metal & Steel Factory, Ishapore – 743144.

(II) An order directing the respondents for giving appointment to the applicant to the said Group – C posts of Semi-Skilled Grade as per said employment notification issued by Government of India, Ministry of Defence, Indian Ordnance Factories, Metal & Steel Factory, Ishapore – 743144.

(III) Costs incidental to and arising out of this application.

(IV) Any other order or orders, as this Hon'ble Tribunal deems fit by way of moulding reliefs.

2. Heard both Id. Counsel, examined pleadings and documents on record.

3. The applicant's submissions, as articulated through his Id. Counsel, is that in pursuance to a notification for filling up 25 Group – 'C' posts of Semi-Skilled Grade from Ex-Servicemen in various trades, the applicant had participated in the selection process. The applicant, however, had not been placed in the select list on the ground that he did not possess any National Apprentice Certificate (NAC)/National Trade Certificate (NTC) issued by NCVT.

According to the applicant, the essential qualification of the candidate for recruitment to the said posts is governed by the Ordnance Factory Group C and Group D Industrial Post Recruitment Rules, 1994, notified vide SRO 185 dated 1.11.1994, which calls for "NCVT certificate in the relevant trade, failing which by ITI or equivalent diploma/certificate holders" and that Note 10 under the SRO 185 stipulates that the question whether a qualification is equivalent to the prescribed qualification in Column 8 of the schedule is to be decided by the Ordnance Factory Board. Further, the Dy. Director General's (Trg.) letter of March, 2013

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states that for employment purposes, all States and Central Government Departments shall treat the certificates issued by the respective departments of Army, Air Force and Navy under the Provision of the said letter at par with the certificates issued by NCVT/NCTVT.

Hence being dissatisfied with the arbitrary action and or inaction on the part of the respondent authorities by not including name of the applicant in the select list for appointment to Group – 'C' post of Semi-Skilled Grade as per employment notification, the applicant has approached the Tribunal.

Ld. Counsel for the applicant further submits that the applicant would be fairly satisfied if he is given an opportunity to prefer a comprehensive representation citing documents, circulars as well as judicial pronouncements in his support and that the concerned respondent authority may be directed to dispose of his representation in a time bound manner.

4. Ld. Counsel for the respondents does not object if such consideration is directed to be made in accordance with law.

5. Hence, without entering into the merits of the matter and with the consent of the parties, we hereby accord liberty to the applicant to prefer a comprehensive representation citing documents and judicial pronouncements in his support within a period of three weeks from the date of receipt of this order. The competent respondent authority, upon receipt of such representation, will dispose of the same within a period of six weeks thereafter in accordance with law and communicate the decision in the form of a reasoned and speaking order forthwith to the applicant.

7. With these directions, the O.A. is disposed of. No costs.

(Dr. Nandita Chatterjee)
Administrative Member

(Bidisha Banerjee)
Judicial Member

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