

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

OA/310/00249/2019

Dated Wednesday the 6th day of March Two Thousand Nineteen

**CORAM: HON'BLE MR. R. RAMANUJAM, Member (A)
HON'BLE MR. P. MADHAVAN, Member (J)**

K. Arumugasamy,
S/o. Shri Krishnan,
782/14, Type I Quarters,
C F Estate,
Aruvankadu 643202.
(The Nilgiris).

....Applicant

By Advocate M/s. Ayyar & Iyer

Vs

1.Union of India – rep by,
The Secretary to the Government of India,
Ministry of Defence Production,
South Block, DGQ (PO),
New Delhi 110011.

2.The Chairman & DGOF,
Ordnance Factory Board,
10-A, S K Bose Road,
Kolkata 700001.

3.The General Manager,
Cordite Factory,
Aruvankadu 643202.
The Nilgiris.

4.Smt. C. Umamaheswari,
Per No. 822401,
Char Man/Tech (Mech),
Cordite Factory,
Aruvankadu 643202. The Nilgiris.

5. Shri. S. Srinivasan,
Per No. 822424,
Charge Man/Tech (Mech),
Cordite Factory,
Aruvankadu 643202. The Nilgiris.

6. The Secretary,
All India Council for Technical Education,
Nelson Mandela Marg,
Vasant Kunj,
New Delhi 110070.

7. The Registrar,
Indira Gandhi National Open University (IGNOU),
Maidan Garhi,
New Delhi 110068.

....Respondents

By Advocate Mr. Su. Srinivasan

ORAL ORDER

(Pronounced by Hon'ble Mr. R. Ramanujam, Member(A))

Heard. The applicant has filed this OA seeking the following relief :

"To call for all connected records pursuant to impugned proceedings in No. CG/64/LDCE (CM)/14 dated 21.11.2018 of the 3rd respondent arising out of his representation dated 24.08.2018 to treat his DME qualification awarded by 6th respondent and approved by 7th respondent is valid in the light of the decision of Hon'ble Supreme Court of India and intimating the same by R-6 to R-7 and rescind the appointment of 4th and 5th respondents who secured less marks than the applicant in the LDCE 2014-15 recruitment for the posts of Charge Man/Technical (Mech) vide 3rd respondent's orders dated 14.12.2016 and 20.03.2018 being *non est*, unjust, *ab initio void* and unsupported of rules and direct the respondents to treat that the applicant is deemed to have been appointed to the post of Charge Man/Tech (Mech) in place of 4th respondent who was wrongly appointed overlooking the merit of the applicant, even though she secured less marks than the applicant, and treat the relevant SRO qualification deemed to have been amended in light of Apex Court decision with all consequential and attendant benefits, considering the fact that the applicant had already qualified with first rank on merit in the LDCE 2014-15 for CM/T (Mech) and in the substantial interest of equity, fairness and or pass any such orders or directions that this Hon'ble Tribunal may be pleased to do so as deem fit in the facts and circumstances of the case and thus render justice."

2. The grievance of the applicant is that the applicant's representation for induction into the post of CM/Tech (Mechanical) on par with persons allegedly ranked lower than him viz., Uma Maheshwari & Srinivasan who were appointed based on LDCE 2014-15 with all consequential benefits was turned down by Annexure A18 communication dt. 21.11.2018. It is stated in the impugned communication that according to the 'SRO', the applicant must possess three years' diploma or equivalent certificate in the respective field duly evaluated by AICTE. Until now, there is no change in the SRO and, therefore, the applicant's request for promotion to the post of CM/Tech (Mechanical) could not be acceded to.

3. Learned counsel for the applicant would submit that the applicant had drawn attention of the authorities to the order of the Hon'ble Supreme Court in WP (C) No. 382/2018 dt. 30.07.2018 wherein it was observed that while AICTE norms would have to be adhered to strictly by the institution in question, AICTE approval for the course was not necessary in the case of a University set up under a state statute. It is further submitted that the Ministry of Human Resource Development had, by Annexure A8 notification dt. 25.07.2015 recognised the degrees/diplomas/certificates including technical educational degrees awarded through open and distance learning mode of education by the Universities established by an Act of Parliament or State Legislature, Institutions Deemed to be Universities u/s 3 of University Grants Commission Act, 1956 and Institutions of National Importance declared under an Act of Parliament and automatically recognised for the purpose of employment to the posts and services under the Central Government, provided they had been approved by the University Grants Commission.

4. Attention is also drawn to Annexure A19 communication of the AICTE addressed to Vice Chancellor of Indira Gandhi National Open University (IGNOU) dt. 11.12.2018 stating that AICTE had no objection for B-Tech degree/Diploma degree awarded by IGNOU to the students enrolled upto academic year 2009-10 to be treated as valid as a special case. It was stated that the AICTE honoured the judgment of the Hon'ble Supreme Court in WP (C) No. 382/2018 dt. 30.07.2018. Without regard to any of these developments, the

applicant's representation had been rejected merely on the ground that the SRO had not been amended which was not a valid excuse to deny the applicant his rights under law, it is contended.

5. Mr. Su. Srinivasan, SCGSC takes notice for the respondents and submits that the respondents would pass a reasoned and speaking order in the light of the judicial precedents, if so directed by the Tribunal.

6. Keeping in view the above, we deem it appropriate to dispose of this OA with a direction to the competent authority to consider the applicant's request for promotion in the light of the judicial precedent cited and pass a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order.

7. OA is disposed of at the admission stage.

(P. Madhavan)
Member(J)

(R. Ramanujam)
Member(A)

06.03.2019

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