

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH**

**OA No. 459 of 2018**

**Present: Hon'ble Mr. Gokul Chandra Pati, Member (A)  
Hon'ble Mr. Swarup Kumar Mishra, Member (J)**

Nayan Kumar Naik, aged about 33 years, S/o Sri Nabin Kumar Naik, permanent resident of Vill/PO-Umri, under PS-Heypore Sadar in the district of Koraput.

.....Applicant

VERSUS

1. Principal Director, Ordnance Factories Recruitment Centre at PO-Ambajhari, Nagpur-21 in the State of Maharashtra.
2. Secretary, Ordnance Factory Recruitment Board, Ayudh Bhawan, 10-A S.K.Bose Road, Kolkata-01, (West Bengal)
3. General Manager, Ordnance Factory, Bolangir, At PO-Badamal, in the district of Balangir-70 (Odisha).
4. Shibshankar Seth aged about 32 years, S/o Lalit Seth, resident of Vill/PO-Sahaspur under PS – Sambalpur in the district of Sambalpur.
5. Binod Kumar Sandha, aged about 40 years, S/o Akura Sandha of Vill-Khaliapali, PO-Kumelsingh, PS/District-Baragarh.

.....Respondents.

For the applicant : Mr.N.Panda, counsel

For the respondents: Mr.S.Behera, counsel  
Mr.S.Purohit, counsel

Heard & reserved on : 7.8.2019

Order on : 29.8.2019

**O R D E R**

**Per Mr.Gokul Chandra Pati, Member (A)**

The OA has been filed seeking the following reliefs:-

- “(A) To pass appropriate order to quash the Final Select List published by the Respondents under Annexure-5.  
AND
- (B) Direction may be issued to all the respondents to conduct the aforesaid document Verification/Trade Test of the selected eligible candidate afresh within a period stipulated.  
AND
- (C) To pass an appropriate direction to all the Respondent to select the applicant for the post of Boiler Attendant.  
AND
- (D) To pass such further Order(s)/Direction(s) as this Hon'ble Tribunal, deem fit and just and proper to the facts and circumstances of the case and Original Application of the Applicant may be allowed.”

2. The controversy in the case relates to the criteria for selection of the Boiler Attendant by the respondent Ordnance Factory Board (in short OFB) in

pursuance to the advertisement at Annexure-A/2 of the OA for which the last date of submission of online application was 19.6.2017. The applicant and the respondent No. 4 and 5 had applied for the said post. The applicant aggrieved by the final select list (Annexure-A/5) for the above post, in which, the applicant was not included, while respondent No. 4 and 5 were included in the select list.

3. It is stated in the OA that the applicant had qualified in the written test as per the notice at Annexure-A/4 and he was called for the Trade Test and document verification on 18.1.2018. It is further stated that in the select list, six candidates for Boiler Attendant were included and the applicant was not included. It is stated in the OA that two candidates i.e. the respondent No. 4 and 5 did not have required qualifications as per the advertisement at Annexure-A/2. It is stated in the OA that the applicant was a SC candidate having minimum required qualifications, but his case was ignored illegally and the objections raised by him were not considered by the authorities.

4. The grounds urged in the OA are that the applicant is a candidate belonging to the SC category and is qualified as per the advertisement. But the serial No. 3 and 6 of the select list (A/5) do not have required Trade certificates and are illegally included in the list by the respondents. It is further stated that the illegal select list is to be quashed and the respondents be directed to conduct the Trade test afresh.

5. Counter has been filed by the respondents stating that the selection process has been completed as per the advertisement. It is stated that there was one vacancy for the SC category in Badmal factory for which another candidate with higher merit than the applicant was selected.

6. Rejoinder has been filed by the applicant. It is averred that the respondent No. 4 and 5 do not have the required Trade certificate and hence, they are ineligible for the selection. They have the Trade certificate in respect of Process Plant Maintenance (in short PPM) and not in Boiler trade required for the selection in question.

7. The respondent No.4 has filed his Reply to the OA stating as under:-

"That the respondent No.4 respectfully submits that the OA having no merit has to be dismissed in view of the following:

(i) The main thrust of the applicant's grievance is that the Resp. No.4 did not qualify in terms of Cl.4.2 having no required Trade certificate whereas the Resp.No.5 had submitted the National Trade Certificate in the sector of Process Plant Maintenance in 2007 (one year Broad Based Basic Training Course) with further six months Advanced Module of Operation Maintenance of Boiler & steam turbine from Govt. I.T.I., Hirakud in 2008 & further six months specialised Module training course & certificate from Govt. I.T.I., Hirakud in 2011. Thus the applicant fails in the only legal ground taken in the OA.

Rest of the allegations are only mudslinging against the respondents on his failure to qualify in the test and has successfully with held the appointment process so far of the otherwise duly selected candidates."

8. The Reply submitted by the applicant to the Respondent no. 4's reply to the OA stated that the respondent no.4 has obtained the certificate in PPM trade and has undergone a six month training in Advanced Module in Operation and Maintenance of Boiler & Steam Turbine of PPM sector. It is further stated that the certificate of the respondent no. 4 has been corrected stating this advanced training which was signed by another authority other than the authority who had signed the Trade certificate, vide the copy at page 10 of the Reply filed by the respondent No.4. In reply to the contention of the respondent No.4 that he was not selected in SC category and the candidate one Milind Meshram was selected under SC category with 56% marks, which was same as the applicant. The applicant in his Reply to Respondent No. 4's Reply has stated that non-selection of the applicant was mala fide.

9. We heard learned counsel for the applicant, the respondent No. 1 to 3 and the respondent No.4. Learned counsel for the applicant submitted that the respondent No.4 and 5 do not have requisite qualifications for the post in terms of the advertisement for the post. In support of his argument, he points out to the copy of the NCVT certificate enclosed with his Reply which shows that the entries pertaining to Advanced Module in Operation and Maintenance of Boiler & Steam Turbine of PPM sector have been made by an authority who was not the certificate issuing authority.

10. Learned counsel for the respondent No.4 submitted a written submission stating that the entries Advanced Module in Operation and Maintenance of Boiler & Steam Turbine of PPM sector were made in the NCVT certificate under the signature of the Principal, ITI Hirakud. It was submitted that the respondent no.4 had undertaken 6 month training in Advanced Module in Operation and Maintenance of Boiler & Steam Engine. It is stated that ITI, Hirakud had offered Broad Based Training in PPM sector which is a multi-skilling course which was duly recognized by Government of India. It was stated that the respondent No.4 has not been allowed to join although all other candidates have joined their respective posts.

11. Learned counsel for the respondent No. 1 to 3 stated that as per the advertisement, the candidates with higher marks will be selected. It was stated that the respondent No.5 was selected as a ST category candidate and that the applicant, being a candidate belonging to SC category, has not challenged the selection of the SC candidate who has been selected i.e. Milind Meshram, who is at serial No. 2 of the select list at Annexure-A/5.

12. Having given regard to the pleadings as well as the submissions by the parties, it is noticed that the respondent No. 1 to 3 have not stated anything on the question of admissibility of the Trade certificate of the respondent No. 4 and 5 for the post of Boiler Attendant in terms of the requirement specified in the advertisement. The Reply of the respondent No. 4 has enclosed the copy of

his Trade certificate which has been corrected by the Principal ITI, Hirakud, where as the certificate issuing authorities are the Secretary NCVT and Secretary, SCVT. We do not know if the Principal ITI, Hirakud was competent to correct the Trade certificate issued by some other authority. This aspect has not been explained in the pleadings of the parties, for which, we are not able to say anything about its validity in terms of the advertisement. Regarding the Trade certificate of the respondent No.5, nothing has been produced before us although the applicant in the OA had stated that he was not eligible for the post of Boiler Attendant as per the requirement published in the advertisement. Such contention has not been replied by the respondent No. 1 to 3. However, it is noticed that the respondent No. 5 had qualified as a candidate belonging to ST category and his selection or non-selection will not have any effect on the prospects of the applicant who belongs to SC category.

13. In view of the above, the OA is disposed of with a direction to the respondent No. 1 and 2 to get the National Trade certificate of the respondent No. 4 for advanced module of training (copy at page 10 of the Annexure-B/4 series of the Reply of the respondent No.4) duly verified by the issuing authorities about its validity for the purpose of the requirement for the post of Boiler Attendant as per the stipulations in the advertisement (Annexure-A/2) in view of the correction/overwriting in the certificate and after such verification, take an appropriate decision about the selection of the respondent No.4 and the applicant as per law and inform the applicant as well as to the respondent No.4 through a speaking order within three months from the date of receipt of a copy of this order.

14. The OA is disposed of accordingly with no order as to cost.

(SWARUP KUMAR MISHRA)  
MEMBER (J)

(GOKUL CHANDRA PATI)  
MEMBER (A)

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