

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No.616/ 2013

Date of CAV:04.12.2018.

Date of Order :13.02.2019.

Between :

D.Anand, s/o Sri D.Pandu,
Aged about 43 yrs, Occ:Welder/2064-2/Skilled,
Hull & Turret Section, Ordnance Factory,
Yeddumailaram, Medak District PIN-502 205,
R/o 22698, Ordnance Factory Estate,
Yeddumailaram PO, Medak District.

...Applicant

And

1. Union of India, rep., by its
Chairman & DGOF, Ordnance Factories Board,
M/o Defence, 10-A, S.K.Bose Road,
Kolkatta-700 001.

2. The General Manager, Ordnance Factory,
M/o Defence, Yeddumailaram PO,
Medak District, AP-502 205.

3. Sri G.V.Ramprasad, Chargeman/Technical
(Mechanical), LMS Maintenance Section,
Ordnance Factory, M/o Defence,
Yeddumailaram, Medak District, PIN 502 205,
R/o H.No.22564, Ordnance Factory Estate,
Yeddumailaram, Medak District, PIN 502 205.

... Respondents

Counsel for the Applicant

... Mr.K.Ram Murthy

Counsel for the Respondents

... Mrs.K.Rajitha, Sr.CGSC rep., by
Mr.B.Lakshman Rao

CORAM:

**THE HON'BLE MR.JUSTICE R.KANTHA RAO, MEMBER (JUDL.)
THE HON'BLE MRS.NAINI JAYASEELAN, MEMBER (ADMN.)**

ORDER

(As per Hon'ble Mrs.Naini Jayaseelan, Member (Admn.))

Brief facts of the case:

The applicant had completed 3 year Diploma in Mechanical Engineering (CC) in October/November 2009 from the State Board of Technical Education and Training, Andhra Pradesh, Hyderabad, in Second Class and appeared for Limited Departmental Competitive Examination (LDCE) 2010 for the post of Chargeman/Technical (Mechanical) in Ordnance Factory, Medak. The applicant got 119 marks and passed the test and became eligible for promotion. However, it is the applicant's contention that the 3rd respondent, who possess only Diploma qualification from Rajasthan Vidya Peeth, which is not recognized by AICTE, was promoted. The applicant has also contended that the 3rd respondent had secured the appointment of Chargeman/Tech.(Mechanical) through fraudulent methods with the connivance of 2nd respondent. The applicant submitted a representation dated 30.07.2012 in regard to the above and the respondents have replied to the said representation, vide letter dated 20.09.2012.

2. It is contended by the Counsel for the Applicant that the 3rd respondent has been appointed by promotion through LDCE for the post of Chargeman/Tech.(Mechanical) in the Pay Band of Rs.9300-34800/- + Grade Pay Rs.4200/- without possessing the requisite certificate of the qualifications prescribed under the statutory rules. It is the

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applicant's contention that the 3rd respondent did not regularly attend classes for his Diploma in Mechanical Engineering and has challenged the genuineness of the certificates.

3. It is the contention of the Counsel for the Respondents that as per the Statutory Rules and Orders (SRO) of the Ordnance Factory Board, LDCE for the posts of Chargeman (Technical and Non-Technical) are to be filled by 25% of the vacant posts and accordingly a notification dated 12.04.2010 was issued to fill up the vacancies in different categories of Chargeman Grade-II (Technical and Non-Technical). As per the merit list published after the written examination, the applicant's name was placed at Serial No.8 based on the marks obtained. After verification of the certificates submitted by the candidates, the candidates were appointed in the order of merit to the post of Chargeman (Technical/Mechanical). The 3rd respondent stood at merit no.5 in the merit list.

4. The applicant has challenged the genuineness of the certificates produced by the 3rd respondent from Janardhan Rai Nagar Rajasthan Vidyapeeth (JRNRV) (Deemed) University, Udaipur. It is the contention of the official respondents as per their reply statement that the said University is recognized by the Joint Committee of UGC-AICTE-DEC. The University Grants Commission (UGC) had noted that the DEC (Distance Educational Council), is a statutory Council to regulate distance education under

UGC-AICTE-DEC, and it has conveyed approval (Ex-post-facto as well as provisional approval for the year 2007-2008) to conduct certain courses run by their University under distance mode based on the approval of the UGC-AICTE-DEC Joint Committee. The respondents stated that no separate approval from the UGC is required. The University has also forwarded a list of courses conducted through Distance Education and from the list it is seen that the Diploma in Mechanical Engineering was shown at Serial No.70.

5. The official respondents have submitted that as per the 3rd meeting of the Joint Committee of UGC-AICTE-DEC, one time post-facto approval to JRN RV Deemed University was granted for the programmes (approved by statutory bodies of the University) offered through Distance mode till 2005. The above University has also been accorded provisional recognition for one academic year i.e., 2007 to 2008. Further, the provisional recognition accorded to JRN RV Deemed University was extended till 2012. Hence, the respondents have acted in accordance with the rules by taking into account the certificate issued by the said University.

6. The applicant submitted a representation dated 30.07.2012, wherein he was informed, vide letter dated 20.09.2012 that the recognition of the JRN RV (Deemed) University, Udaipur, Rajasthan, was duly approved by

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the UGC-AICTE-DEC Joint Committee. The University has also forwarded copies of letters received from UGC and Indira Gandhi National Open University (IGNOU) having the approval (ex-post-facto as well provisional approval) of the UGC-AICTE-DEC Joint Committee. Further, it is intimated that candidates possessing the required qualification from an Institute recognized by the Government of India are also eligible. The genuineness of the certificates produced by the candidates, who acquired Diploma in Mechanical Engineering from the said University was also verified by way of the IGNOU's letter No.F.No.DEC/G-303/2013/19564, dated 24.01.2013.

7. The Counsel for the Official Respondents has argued that the respondents have acted as per the extant rules and have not violated any instructions. The fact of the matter is that the applicant did not secure merit to match with the vacancies, whereas the genuineness of the certificates produced by the 3rd respondent were duly verified and the 3rd respondent was given promotion to the post of Chargeman/Technical (Mechanical) since he stood No.5 in the order of merit.

8. In support of their claim, the Counsel for the Respondents has cited the judgment of the Punjab & Haryana High Court in *Vikash Kumar v. Haryana State Pollution Control Board* dtd 13.01.2010 in C.W.P.No.1405/2009, wherein it was held that "*the status of the JRN*

Rajasthan Vidyapeeth as a Deemed University under the UGC Act is not denied and the petitioner was deemed to have been appointed on the same day when the appointment orders were issued for others and the date shall be reckoned for all service benefits such as seniority etc., from the respective date”.

9. Counsel for the Respondents has also cited the judgment of the Central Administrative Tribunal, Delhi in *Sh.Shashikant v. Union of India* in O.A.No.2917/2010, dated 15.09.2011, wherein it was held that “*there was no necessity for conveying approval from UGC. The letter of AICTE dated 04.10.2007 stating that degrees/diplomas obtained through Distance mode and approved by DEC did not require AICTE approval and all other relevant documents cited in that letter were in support of the contention that the programme had the approval of DEC and other authorities”.*

10. In view of the above facts and circumstances of the case, the OA is dismissed. No order as to costs.

Sd/-

**(NAINI JAYASEELAN)
MEMBER (ADMN.)**

Sd/-

**(JUSTICE R. KANTHA RAO)
MEMBER (JUDL.)**

Dated: this the 13th day of February 2019

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