

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. M.A. 350/00464/2015
O.A. 350/01475/2015

Date of order: 17.3.2016

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

UNION OF INDIA & ORS. (Defence)

VS.

ARNAB GHOSH

For the Applicants : Mr. P. Mukherjee, Counsel

For the Respondents : Mr. S. Chakraborty, Counsel

O R D E R (Oral)

Per Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member:

Heard Ld. Counsel for the respondents/opposite parties who are the petitioners / applicants in the Original Application No. 1475 of 2015 and the Ld. Counsel for the applicant who are the respondents in the aforesaid O.A. This application has been moved for vacating the interim order granted by this Tribunal vide order dated 24.9.2015 which reads as under:-

" Heard Ld. Counsel for the parties.

2. It is manifest that OFB has forwarded a proposal of revised recruitment policy by incorporating some amendments in the Apprentices Act, 1961, to the Ministry of Defence for approval but without waiting for outcome of the said proposal, the OFB has decided to conduct recruitment process of Tradesman/Semi Skilled as per existing procedure notified on 06.01.2011 and 15.06.2012.

3. In our considered opinion, once the matter was referred to MOD, the OFB ought to have waited for approval of the Ministry of Defence before proceeding with the selection. Accordingly we restrain the respondents from proceeding with the present recruitment in question till the next date of hearing. In case the approval of the Ministry is obtained, the authorities shall be at liberty to act in accordance with such approval. List on 27.11.2015 at 12 o'clock.

4. Plain copy of this order be given to Ld. Counsel for the parties."



2. The Ld. Counsel for the applicant pointed out that the petitioners/applicants of O.A. has participated in the selection process and they have been declared unsuccessful in the screening test. Thereafter they challenged the selection process on the ground that OFB has proposed certain amendments in the Apprenticeship Act and they have sent the proposals to the Government. The process of selection was directed to be taken on the basis of the existing provision and rules and not on the basis of proposed amended rules.

3. Hence, the process of selection cannot be stayed specially on the basis of a person who himself participated in the selection process and was declared unsuccessful as held by the Hon'ble Apex Court in **Madras Institute of Development Studies v. K. Sivasubramaniyan & ors. (2016) 1 SCC 454**.

4. Therefore, I am of the view that the application deserves to be allowed and the interim order granted on 24.9.2015 is liable to be vacated.

5. The interim order dated 24.9.2015 is vacated. The M.A. is accordingly dismissed. There shall be no order as to costs.

(Jaya Das Gupta)
MEMBER(A)

(Vishnu Chandra Gupta)
MEMBER(J)

SP