

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION No.303/2015.

Date of Decision: 07.06.2019.

CORAM: DR. BHAGWAN SAHAI, MEMBER (A)
R.N. SINGH, MEMBER (J)

1. Nilesh Ashok Zope,
Age 34 years.
R/at Vedi Mata Nagar, Khalwadi,
Bhusawal, Dist. Jalgaon 425 201.
2. Sachin Deorm Nagpure,
Age 25 years. R/at Date Chowk,
Shirsoli PN, Tal. Dist. Jalgaon 425 002.
3. Mahadeo Dinkar Bhatkar,
Age 26 years.
R/at ASA Post Lakhanwada,
Tal. Khamgaon, Dist. Buldhana 444 303. ... ***Applicants***

(By Advocate Shri Vicky Nagrani)

VERSUS

1. The Union of India,
Through the Secretary,
Ministry of Defence, Indian Ordnance
Factories, South Block, New Delhi 110 001.
2. The Chairman
Ordnance Factory Board,
Ministry of Defence, 10 A, Shahed Khudi Ram
Boss Road, Calcutta 700 001.
3. The General Manager,
Ordnance Factory, Varangaon,
Varangaon – 425 308, Tal. Bhusawal,
Dist. Jalgaon. ... ***Respondents***

(By Advocate Shri V.B. Joshi)

ORDER (Oral)

Per : R.N. Singh, Member (J)

Heard the learned counsels for the parties.

2. The precise facts leading to the present OA are that the applicants in pursuance of the Advertisement dated 19.05.2015 (Annex.A-2), issued by the respondent no.3 has~~ve~~ applied for the post of Fitter Electric under un-reserved category. Learned counsel for the applicants submits that the applicants were fulfilling all the eligibility conditions for the said post of Fitter Electric and they participated in the said selection process and by virtue of their performance in such selection they were confident of their selection. However, the respondents have not allowed the applicants to participate in the practical test for being considered for appointment to the said post of Fitter Electric. In the aforesaid background, the applicants have prayed for the following reliefs in the present OA:-

"8.a) This Hon'ble Tribunal may graciously be pleased to call for the records of the case from the respondents and after examining the same hold and declare that the applicants are in

possession of requisite education qualification for the post of Electric Fitter as prescribed in the advertisement and are accordingly eligible to appear for the trade test.

8.b) This Hon'ble Tribunal may further be pleased to direct the respondent no.3 to publish the result only after allowing the applicant to appear for trade test and if found qualified in trade test appoint them on the post of Electric Fitter semiskilled as per the merit.

8.c) Costs of the application be provided for."

3. In response to the notice issued by this Tribunal in the OA, the respondents have filed their reply and have also filed additional affidavit. The matter was heard at length on 28.11.2018 and the respondents sought time to file an additional affidavit to bring on record as to whether Electrician and Electrical Fitter are one and the same or different under the respondents, as well as details of trades in each of them which is the subject matter in the present case. In pursuance to the aforesaid order dated 28.11.2018 of this Tribunal, the respondents have filed an affidavit on 06.06.2019. Learned counsel for the respondents invites our attention to para 12 of such affidavit which reads as under:

"12. I say that, considering above facts, the

Ordinance Factory Varangaon Management has come to conclusion to cancel said advertisement only for the post of Fitter Electric trade since the number of vacancies mentioned above are provisional which may be increased or decreased as the discretion of the competent authority depending upon functional requirement. Therefore, no question arise to give appointment to the applicant on the said post of Fitter Electric."

4. Shri V.B. Joshi, learned counsel appearing for the respondents submits that once the very advertisement with regard to the post of Fitter Electric has been cancelled by the respondents, nothing survives in the present OA. He further submits that inadvertently the respondents have not annexed a copy of the order/decision of the respondents by which the aforesaid advertisement for the post of Fitter Electric has been cancelled and he undertakes to supply a copy thereof to the learned counsel for the applicants within 15 days from today.

5. In the aforesaid background, the present OA is disposed of as having become infructuous. Of course, with liberty to the applicants to challenge the decision/order of the respondents regarding cancellation of the advertisement for the post of Fitter

Electric, in accordance with law, if so advised.

6. In the facts and circumstances, no order as to costs.

(R.N. Singh)
Member (J)

(Dr. Bhagwan Sahai)
Member (A)

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