

**CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI**

ORIGINAL APPLICATION No.760/2014

Dated this Wednesday, the 22nd day of October, 2019

**CORAM: R.VIJAYKUMAR, MEMBER (A)
R.N.SINGH, MEMBER (J)**

1. Azharuddin Naziruddin Sayyed,
aged about 29 years,
working in the post of Fireman in
Ordnance Factory Bhandara.
2. Ganesh Mahadeo Tete,
Aged about 29 years,
working in the post of DBW/SK in
Ordnance Factory Bhandara.
3. Naresh Sukhdeo Nipane,
Aged about 33 years,
working in the post of DBW/HS in
Ordnance Factory Bhandara.
4. Shafaq Ahmad Kadir Ahmad Shaikh,
Aged about 28 years, working in the post
of Battery Attendant in
Ordnance Factory Bhandara.
5. Prashant Ashok Bhole,
aged bout 35 years,
working in the post of CMD-II in
Ordnance Factory Bhandara.
6. Manish Babarao Shivkar,
aged about 29 years,
working in the post of Tuner/SK in
Ordnance Factory Bhandara.
7. Satya Priya Panda,
aged about 33 years,

- working in the post of Fireman in Ordnance Factory Bhandara.
8. Mithun Motiram Khobragade, aged about 28 years, working in the post of DBW/SK in Ordnance Factory Bhandara.
 9. Ashish Kumar K. Heddu, aged about 29 years, working in the post of DBW/SK in Ordnance Factory Bhandara.
 10. Rajesh Fandu Bankar, aged about 28 years, working in the post of DBW/SK in Ordnance Factory Bhandara.
 11. Ashish Eknath Suryawanshi, aged about 28 years, working in the post of DBW/SK in Ordnance Factory Bhandara.
 12. Deepak Chakradhar Dolare, aged about 35 years, working in the post of DBW/HS-I in Ordnance Factory Bhandara.
 13. Swapnil yogesh Vishwakarma, aged about 29 years, working in the post of DBW/SK in Ordnance Factory Bhandara.
 14. Surendra Lakhan Hatwar, aged 30 years, working in the post of DBW/SK in Ordnance Factory Bhandara.
 15. Indrapal Shiocharan Bondre, aged about 29 years, working in the post of DBW/SK in Ordnance Factory Bhandara.

Applicant Nos.1 to 15 all c/o
Shri A. N. Sayyed, R/o, At Sawari,
Post Jawaharnagar, Tah &
District-Bhandaara-441 906.

...Applicants.

(By Advocate Shri B. Lahiri)

Versus

1. Union of India, Ministry of Defence,
D(Fy-2), Sena Bhavan,
New Delhi-110 001, through its Secretary.
2. The D.G.O.F./ Chairman,
Ordnance Factory Board,
10-A. S. K. Bose Road,
Kolkata 700 001.
3. The General Manager,
Ordnance Factory,
Bhandara-441 906.

...Respondents.

(By Advocates Shri V. B. Joshi and Shri R. R. Shetty)

ORAL ORDER

Per : R.Vijaykumar, Member (A)

1. Shri B. Lahiri, learned counsel appeared for the applicant .
2. Shri V. B. Joshi along with Ms. Sangeeta Yadav, proxy counsel appeared for Shri R. R. Shetty, learned counsels for the respondents.
3. This application have been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs:-

“a. Quash and set aside the impugned communication dated 04.12.2014 (Annexure A-1) addressed individually to each applicant rejecting application form for appearing in LDCE for the post of Chargeman (Tech).

b. Delete the word "duly affiliated by AICTE" from para 2(i)(a) of SRO-66 (Annexure A4) and Note No.2(ii) of Circular dated 19.07.2014 (Annexure A-2).

c. Declare that the applicants possess Essential Educational Qualification and Experience for the post of Chageman (Tech) as stipulated in Circular dated 19.07.2014 (Annexure A-2) in terms of SRO-66 dated 27.05.2003 and in the same order declare that the applicants are fully covered by the Judgments of Hon'ble Central Administrative Tribunal, Hyderabad and Madras Bench at Annexure A-8 and Annexure A-0.

d. Costs be saddled on the respondents.

e. Grant any other relief deemed fit in the circumstances of the case in favour of the applicants.

4. The learned counsel for the applicant wants to file an affidavit by way of pursis. He claims to have passed the examination with reference to the last date of application i.e. 14.08.2018 by which he claims to have become eligible. The admitted fact is that the original certificate has not been produced by the applicant and therefore, the applicant has necessarily to submit this in view of the fact that he claims to have appeared in the final semester in July, immediately preceding the last date of applying for the LDC Examination.

5. The applicants and their counsel were

extended time but the learned counsel for the applicants submits that he has completed his arguments and accordingly, the applicants were given time to file these documents on or before the next date of hearing. It was made clear that in case the documents are not produced, the matter will not be adjourned and adverse inference will be taken.

6. The learned counsel for the applicants also submits that he withdraws his challenge to the Recruitment Rules as contained in relief clause in para 8(2) which had been incorporated by way of amendment.

7. The learned counsel for the applicants changed his mind and decided to conclude his arguments and he further submitted that he does not need any further opportunity to advance any factual details. He then argued the matter in detail, by reference to his pursis filed in the batch of cases under OA No.779/2014 and Annexure A-11 contained in his pursis which is a gazette notification of the Ministry of Home

Resource Development (Department of Higher Education), New Delhi dt. 10.6.2015 in F.No.11-5/2018-TC. On this aspect, considering the similarity of arguments in the other batch of cases of the same types, the same orders passed in OA No.605 & 717 of 2013 etc. dt. 16.10.2019 shall apply. There shall be no order as to costs.

(R.N.Singh)
Member (Judicial)

(R.Vijaykumar)
Member (Administrative)

V.

