

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

**ORIGINAL APPLICATION Nos. 748/2014, 763/2016,
764/2016, 771/2016, 786/2016, 595/2015 and 779/2014**

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

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

OA No. 748/2014

1. Milind Ramesh Rao Kalbande
Aged about 31 years,
S/o Shri Ramesh Nathuji Kalbande
R/o Qr. No. 15/22, Type-II, Range Estate,
Khadki, Pune-411 020.
2. Ms. Hemangi Sachin Shelar,
Aged about 27 years,
W/o Shri Sachin Vilas Shelar,
R/o Flat No. D 11, Ganesh AGEN Soc.
Dapoli, Pune-411 012.
3. Ms. Deepali Masnih Kakade,
Aged about 30 years,
W/o Shri Manish Arun Kakade,
R/o Survey no. 43, Plot No. 1/2/3/4,
Opp. Kakade Terrace, Warje
Malawadi, Pune-411 058.
4. Vikas Dilip Ingale,
Aged about 29 years,
S/o Dilip Waman Ingale,
R/o Qtr. No. 4/24 Type-I, Range Hills
Estate, Khadki, Pune-411 020.
5. Nitin Shashikant Khairnar,
Aged about 33 years,
S/o Shashikant Vaman Khairnar,
R/o 6/6 Type-II, Range Hills Estate,

- Khadki, Pune-411 020.
6. Kiran Hanmantasa Burbure,
Aged about 30 years,
s/o Hanmantasa Sangappa Burbure,
R/o 13/8 H Type Range Hills,
Khadki, Pune-411 020.
 7. Ms. Ashrita Singh,
Aged about 27-years,
D/o Ramesh Singh,
R/o E-32, Jairaj Residency,
Phase-II, Priyadarshini Nagar,
Old Sangvi, Pune-411 027.
 8. Ms. Vinodini Sandeep Jagtap
Aged about 27 years,
W/o Sandeep Jagtap,
R/o Sr No 110/11/1 Gaurinandan,
Plot No.2, Mitranagar Colony,
Baner, Mahlunge Road, Pune-411 045.
 9. Ms. Smita Sairam Berwal,
Aged about 26 years,
W/o Sitaram Tamsukh Berwal,
R/o Qr. No.28/8, Type-H,
Range Hills, Pune-411 020.
 10. Ms. Chythannya R. Ramankulath
Aged about 27 years,
D/o Ramakrishnan Ramankulath
R/o Qr. No.64/1/, Type-I, Range Hills,
Pune-411 020.
 11. Mrs. Sheetal Rahul Pundlik,
Aged about 27 years,
W/o Rahul Vikas Pundlik,
R/o Flat No.A-7, Apurva Apartment,
Tilak Road, Pune-411 030.

All are employed as Mechanist/DBQ in Ammunition Factory,
Khadki.

- Applicants.

Versus

1. Union of India, through the Secretary.
Ministry of Defence Production,
South Block, New Delhi-110011.
2. The Chairman,
Ordnance Factory Board,
10-A, Shaheed Khudiram Bose Road,
Kolkata – 700 001.
3. Teh Senior General Manager,
Ammunition Factory,
Khadki, Pune-411 003.
4. The Principal Director,
Ordnance Factory Institute of
Learning, Ordnance Factory,
Ambernath.

- Respondents.

OA No.763/2016

1. Kiran Hanmantasa Burbure
Aged about 32 years,
R/a Quarter No.13/08, H Type,
Range Hills, Khadki,
Pune-411 020.

- Applicant.

Versus

1. The Union of India, Through the Secretary,
Ministry of Defence Production, South Block,
New Delhi 110 011.
2. The Chairman, Ordnance Factories Board,
Ayudh Bhawan, 10-A Shaheed Khudiram Bose Road,
Kolkata 700 001.
3. The Senior General Manager,
Ammunition Factory, Khadki,
Pune-411 003.
4. the Principal Director
Ordnance Factory Institute of Learning,
Ambarnath 421 502.

5. The Director General
All India Counsel for Technical Education,
7th Floor Chandra Lok Building,
Janpath, New Delhi-110 001.
6. The Director,
Maharashtra State Board of Technical Education,
Government of Polytechnic Building,
4th Floor, 49,
Kherwadi, Bandra (East),
Mumbai-400 051.

-Respondents.

OA No.764/2016

1. Ms. Hemangi Sachin Shelar
Aged about 29 years,
W/o Shri Sachin Vilas Shelar,
R/a Flat No.D 11, Ganesh Angan
Society, Dapodi, Pune-411 012.
2. Ms. Vinodini Sandeep Jagtap,
Aged about 27 years,
W/o Sandeep Jagtap,
R/a Sr.No.110/11/1 Gaurinandan,
Plot No.2, Mitranagar Colony,
Baner, Mahlunge Road, Pune-411 045.
3. Mrs. Sheetal Rahul Pundlik
Aged about 29 years,
W/o Rahul Vikas Pundalik
R/a Flat No.A-7, Apurva Apartment,
Tilak Road, Pune-411 030.

- Applicants.

Versus

1. Union of India, Through the Secretary,
Ministry of Defence Production, South Block,
New Delhi 110 011.
2. The Chairman, Ordnance Factory Board,
AYUSH BHAVAN,
10-A, S.K.Bose Road, Kolkata 700 001.

3. The Senior General Manager, Ammunition Factory,
Khadki, Pune 411 003.
4. The Principal Director,
Ordnance Factory Institute of Learning,
Ambarnath 421 502.
5. The Director General
All India Counsel for Technical Education,
7th Floor Chandra Lok Building,
Janpath, New Delhi-110001.
6. The Director,
Maharashtra State board of Technical Education,
Government Polytechnic Building,
4th Floor, 49, Kherwadi,
Bandra (East),
Mumbai-400 051.

- Respondents.

OA No.771/2016

1. Sandeep Swapan Roy
Age-31 years,
R/a: 402, Vainganga Apt,
Shivalik Nagar,
B-Cabin Road,
Ambarnath (E)-421501.
2. Jitesh Bhaiyalal Gupta
Age: 31 years
Shiv Krupa Kirana Store,
Buwapada Bhaskar Nagar Road,
Ambarnath (W)-421505.
3. Ashwini S. Jagtap,
Age: 30 years,
Add: 503/9 Felton Panvelkar
Classic, Morival,
Ambarnath (E) 421501.

- Applicants.

Versus

1. Union of India, Through the Secretary,
Ministry of Defence Production, South Block,
New Delhi 110 011.
2. The Chairman, Ordnance Factory Board,
AYUDH BHAVAN,
10-A, S.K.Bose Road, Kolkata 700 001.
3. The General Manager,
Ordnance Factory Machine Tool
Prototype Factory,
Ambarnath- 421 502.
4. The Director General
All India Counsel for Technical Education,
7th Floor Chandra Lok Building,
Janpath, New Delhi-110 001.
5. The Director,
Maharashtra State Board of Technical Education,
Government of Polytechnic Building,
4th Floor, 49, Kherwadi,
Bandra (East),
Mumbai-400 051.

- Respondents.

OA No.786/2016

1. Mr. Ashish Pundalik Deore
Age 28 years, Occ. Presently
Working as 'Technician in Factory
of Senior General Manager,
Ammunition Factory,
Kirkee, Pune.
And
Residing at Kand Patil Nagar No.5,
Dehu Alandi Road,
Dehu Gaon, Pune-412 109.
2. Shri Nair Sunil Kumar Jairam
Age 43 years, Occ. Presently
Working as 'Technician in Factory of
Senior General Manager Ammunition

Factory, Kirkee, Pune.

And

Residing at Type 1,3/10,
Range Hill Estate,
Kirkee, Pune-411 003.

- Applicants.

Versus

1. Union of India, Secretary,
Ministry of Defence (Production),
New Delhi 110 011.
2. The Chairman/Director General
Ordnance Factory Board,
Yodhya Bhavan,
10-A, S.K.Bose Road, Calcutta 700 001.
3. The Senior General Manager, Ammunition Factory,
Kirkee, Pune 411 003.
4. Principal Director,
Ordnance Factory Institution of
Learning, Ambarnath 421 502.

- Respondents.

OA No.595/2015

1. Rupesh S/o Ashok Bauskar,
Aged-28 years, Occ. Working as
Machinist (Skilled) at Ordnance
Factory Varangaon, R/o.
Bhairawnath Wada, Po. Thorgavan,
Tah: Raver, Dist.Jalgaon-425501.
2. Vilas S/o Ananda Mahajan,
Aged: 36 years, Occ. Working as
High Skilled-II at Ordnance Factory
Varangaon, R/o.Qtr. No.183 A,
Type-II(M), Ordnance Factory,
Estate Varangaon, Tah.Bhusawal,
Dist-Jalgaon.

- Applicants.

Versus

1. The Union of India, Through the Secretary,

Ministry of Defence (Production), South Block,
New Delhi 110 011.

2. The Chairman/Director General
Ordnance Factory Board, Ayudha Bhavan,
10-A, Saheed Khudiram Bose Road, Kolkata 700 001.
3. The General Manager,
Ordnance Factory Varangaon,
Tah.Bhusawal, Dist.Jalgaon-425 308.

- Respondents.

OA No.779/2014

1. Anup Ravindranath Meshram,
Aged about 41 years,
working in the post of FED Fr-A
in Ordnance Factory Bhandara.
2. Gajendra Singh Kurveti,
Aged about 36 years,
working in the post of Fireman in
Ordnance Factory Bhandara.
3. Ravikant Vasantrao Kukade,
Aged about 35 years,
working in the post of UDC in
Ordnance Factory Bhandara.
4. Ravikant Chaturbhuj Ahirwar,
Aged about 29 years,
working in the post of Foreman in
Ordnance Factory Bhandara.
5. Sumedh Domaji Meshram.
Aged about 23 years,
Working in the post of Fireman in
Ordnance Factory Bhandara.

Applicant No.1 to 5, C/o, Shri Anup R. Meshram,
R/O, Qr.No.5/1, Type-II, Jawaharnagar, O.F. Bhandara,
Tah & District Bhandara 441 906.

-Applicants.

Versus

1. The Union of India, Through the Secretary,
Ministry of Defence, D(Fy-2), Sena Bhavan,
New Delhi 110 011.
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.

Appearances:-

Shri P. J. Prasadrao, learned counsel
for the applicant in OA Nos. 748/2014,
763/2016, 764/2016 and 771/2016.

Shri A. M. Joshi, learned counsel for
the applicants in OA Nos.786/2016.

None for the applicant in OA
No.595/2015.

Shri B. Lahiri, learned counsel for
the applicant in OA No.779/2014.

Shri A. A. Joshi along with Shri A. M.
Sethna, learned counsels for the respondents in
OA No.748/2014.

Shri D. A. Dube along with Shri A. M.
Sethna, learned counsels for the respondents in
OA nos.763/2016, 764/2016 and 786/2016.

Ms. Sangeeta Yadav, proxy counsel for
Shri R. R. Shetty, learned counsel for the
respondents in OA Nos.771/2016, 595/2015 and
779/2014.

COMMON ORAL ORDER
Per : R.Vijaykumar, Member (A)

These applications have been filed under Section 19 of the Administrative Tribunals Act, 1985 seeking the following reliefs in OA No. 748/2014 :-

- a. To allow the application.
- b. This Hon'ble Tribunal be pleased to quash and set aside the impugned orders dated 18.09.2014 and 08.10.2014 wherein the Respondents denied Applicants to appear for the LDCE.
- c. This Hon'ble Tribunal be please to direct the Respondents to allow the Applicants to appear for the LDCE examination to be held from 20.12.2014 to 23.12.2014 and direct Respondent No.4 to issue the Admit Cards for appearing LDCE to be conducted by Respondent No.4.
- d. This Hon'ble Tribunal be pleased to direct the Respondents to consider the Applicants for promotion to the Grade of Chargeman (T) if they qualify in the LDCE examination 2014-15 conducted for the purpose with all consequential benefits.
- e. This Hon'ble Tribunal be pleased to grant ad-interim relief in terms of prayer clause (c) supra.
- f. Any other or further orders may be granted in the interest of justice.
- g. Cost of the application be awarded in favour of the Applicants."

2. The applicants in these OAs except in respect of OA No. 779/2014 have obtained

diplomas in Mechanical Engineering from the Maharashtra State Board of Technical Education, GPDL, Government Polytechnic Distance Education Learning whereas the applicants in OA No.779/2014 obtained their degree on correspondence basis from Karnataka Open University. The applicants in OA No.779/2014 had withdrawn their earlier amendment in the OA seeking to challenge the Recruitment Rules in SRO-56 which required the course to be recognized by the AICTE and in the circumstances caused by such withdrawal, reliefs claimed by all the parties have become identical. Therefore, with the consent of the learned counsels for the parties, considering that the applicants have applied for LDCE based promotion by virtue of their experience as Mechanical Engineer and similarly claimed qualifications, a common order is passed in respect of all the cases.

3. At the outset, the learned counsel

for AICTE Shri A. A. Joshi, from the instructions from AICTE submits that, by way of email, that AICTE have conveyed that they have granted approval for diploma courses conducted by MSBTE/GPDL for conduct of part-time course and grant of diploma for the period up to year 2013. Such approval does not extend to correspondence courses and distance learning courses by which certain institutions admitted and granted such diploma certificates.

4. The learned counsels for the applicants Shri P. J. Prasadrao argued in respect of all the cases other than in OA No.779/2014. He submits that the applicants have obtained diplomas specified conditions satisfied by the AICTE and which have been brought to notice by the learned counsel as set out in the previous paragraphs. Further, it is quite clear that such a clarification of the AICTE does not extend to correspondence and distance learning courses

and in this context, the applicant in OA No.779/2014 who had obtained a diploma from the Karnataka State Open University by distance learning, falls into the unapproved category in terms of the orders passed in the past by the AICTE and are, therefore, not eligible.

5. In these circumstances, these OA Nos.748/2014, 763/2016, 764/2016, 771/2016, 786/206 and 595/2015 are allowed to the extent that the applicants shall submit the necessary certificates to the respondents no.2-4 in support of their claims that they have obtained diploma by a 04 year part-time course after enrollment in the specified period and if the same is found to be correct, the respondents shall treat them as having the requisite qualifications keeping in view the aforesaid statements/clarification from the AICTE and finalize the selection of the applicant accordingly, within eight weeks.

6. In regard to OA No.779/2014, the learned counsel for the applicant has relied upon a gazette notification dated 10.06.2015 which provides that degrees and diploma awarded through distance learning mode of education awarded by an institution approved by State Legislature and Execution deemed to be authorities shall automatically be covered for employment under the Central Government provided they are approved by the UCG. On the aspect of requirement of the Recruitment Rules with courses would have to be followed, AICTE which refers to a minute dated 03.08.2017 of all the Indian Council for Technical Education in its 52th meeting at item no.52/01/05, that for recognition of professional courses after 31.05.2013, the matter would be investigated by a Committee while for institutions prior to that date the orders already issued would be applicable. The case of these applicants fall into this category of courses that have

not been recognized from the AICTE and therefore the applicants in this OA cannot be considered to be to have satisfactory requirements of the Recruitment Rules.

7. In view of the above, the OA No.779/2014 lacks merits and is accordingly dismissed.

8. There shall be no order as to costs.

(R.N.Singh)
Member (Judicial)

(R.Vijaykumar)
Member (Administrative)

V.

JD
25/10/19

