

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No. 268/98

with

Original Application No. 907/98 ✓

New Delhi, this the 26th day of February, 1999

Hon'ble Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J)
Hon'ble Mr. K. Muthukumar, Member (A)

OA No. 268/98

Krishan Murari Singhal,
S/o Sh. Ashok Kumar Singhal,
R/o 2/341, Namnari,
Agra (UP).

...Applicant

(By Advocate Shri S.K. Gupta)

-Versus-

1. Union of India through
its Secretary,
Ministry of Defence,
New Delhi.
2. Directorate General of EME,
through Master General of
Ordinance Branch,
DHO DO New Delhi.

...Respondents

OA No. 907/98

Vinod Kumar Gupta,
S/o Sh. Shyam Varan Gupta,
R/o H.No. 46/90
Behind Prabha Talkies,
Loha Mandi,
Agra (UP).

...Applicant

-Versus-

1. Union of India through
its Secretary,
Ministry of Defence,
New Delhi.
2. Directorate General of EME,
through Master General of
Ordinance Branch,
DHO DO New Delhi.

...Respondents

(Applicants By Advocate Shri S.K. Gupta)

(Respondents by Advocate Shri K.R. Sachdeva)

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ORDER (ORAL)

By Mr. Justice V. Rajagopala Reddy, Vice-Chairman (J):

With the consent of the learned counsel for both the parties we dispose of both the OAs.

The case of the applicants is that the applicants who are stated to be Trained Apprentices. Their case is that the Traine Apprentices have to be given preference whenever a direct recruitment is sought to be made for the posts of Telecom Mechanics. They rely upon the judgement of the Hon'ble Supreme Court in the case of U.P.S.R.I. Corporation v. U.P. Parivahan N.S.B. Sangh reported in AIR 1995 SC 1115 wherein it has been ruled that other things being equal, a trained apprentice should be given preference over the direct recruits and if age bar would come in the way of the trainee the same would be relaxed to the extent for the period for which the apprentice had undergone training and that the person trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are senior. It was also ruled that by considering the cases of the apprentices in offering them employment for suitable post, all provisions of service regulations including appearance in the test should also be followed. Learned counsel for the respondents fairly concedes that the claims of the applicants are fully covered by the judgement of the Hon'ble Supreme Court. He also states that a scheme has been framed and notified by Government incorporating the above directions given by the Hon'ble Supreme Court in the above decision and that they

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are following the same. We do not find any reason, when the Govt. has already framed the scheme and following the same in conformity with the judgement of the Hon ble Supreme Court, for filing of this O.A.

The O.A. is, therefore, disposed of with a direction to the respondents to comply with the said scheme in accordance with the judgement of the Hon ble Supreme Court reported in AIR 1995 SC 1115.

Both the OAs are accordingly disposed of. No costs.

(K. Muthukumar)
Member (A)

(V. Rajagopala Reddy)
Vice-Chairman (J)

cc.

Attested

KLShrip
CO/C III
26/2/99