

Central Administrative Tribunal
Principal Bench, New Delhi.

(7)

OA-589/95

MA-750/95

MA-750A/95

with

DA-976/96

MA-1020/96

MA-1021/96

HON'BLE MR. JUSTICE CHETTUR SANKARAN NAIR(J), CHAIRMAN
HON'BLE MR. S.P. BISWAS, MEMBER(A)

New Delhi this the 11th day of November, 1996.

OA-589/95

1. Sh. Satya Narain Mishra,
S/o Sh. Om Prakash Mishra,
R/o A-17, Apprentice Press Enclave,
Malviya Nagar,
New Delhi.
2. Sh. Ram Narayan Singh Yadav,
S/o Shri Sawarjeet Singh,
R/o Sector 2, Type-4,
Qr. No. 14, R.K. Puram,
New Delhi.
3. Sh. Pramod Patki,
S/o Sh. V.R. Patki,
R/o Sector 2, Type 4,
Qr. No.14, R.K. Puram,
New Delhi.
4. Sh. Ali Hasan,
S/o Sh. Abdul Aziz,
R/o 27, Purani Nazin,
Jhansi-284002.
5. Sh. Bhagwat Sharan,
S/o Sh. Baboo Lal,
C/o K.T. Narayan,
1081 Sector 4,
R.K. Puram, New Delhi.
6. Sh. Sarif Athar Siddique,
S/o Sh. Khuda Bux,
C/o Chowhari property
dealer Mathura Road,
Ali Gawan, Delhi-34.
7. Sh. Mukesh Khandekar,
S/o Sh. B.R. Khandekar,
H.No.134, Higen Katra,
SHS.
8. Sh. Hidayatullah Khan,
S/o late Sh. Nasrat Ullaha Khan,
H.No. 134, Higen Katra,
SHS.

(8)

9. Sh. Raj Kumar,
S/o Sh. Ved Prakash,
Line Par, Nagla Rathi,
Tundla(Ferozabad).
10. Sh. Kalyan Singh,
S/o Sh. Kewal Singh,
127, Heera Pura Nagra,
Distt. Jhansi(UP).
11. Sh. Sanjay Wadhwa,
S/o late Sh. R.P. Wadhwa,
C/o Dee Dayal Nagar,
Khati Babu,
Nandan Puran, Jhansi.
12. Mohd. Shakil Ullah Khan,
S/o late Munsif Khan,
266, Bangla Ghat, Jhansi.
13. Sh. Pankaj Kumar,
S/o Sh. Punji Lal,
209, Pratap Pura,
Nagra, Jhansi.
14. Sh. Ajay Kumar,
S/o Sh. Brij Mohan,
Rashtriya Vidhya,
Mandir High School,
Mahaveer Nagar,
(Shiv Nagar)
Dholly Agra.
15. Sh. Balik Das,
S/o Sh. Radhey Lal,
Hanshari Gram,
Distt. Jhansi.
16. Sh. Raj Kumar Jha,
S/o Sh. Gojjoo Ram Jha,
24, Pratap Pura,
Nagara, Jhansi.
17. Sh. Amar Singh,
S/o Sh. Chedilal Rajpoot,
209 Heerapura,
Nagara, Jhansi.
18. Sh. Raoi Upadhyay,
S/o Sh. B.B. Upadhyay,
Rani Laxmi Nagar,
Colony E. Rly. Jhansi.
19. Sh. Jai Shanker,
S/o Sh. Awadh BEhari Choubey,
529/4 Gwal Tuli,
Sipri Bazar Jhansi.
20. Sh. Santosh Kumar,
S/o Sh. Gulab Chandra,
C/o Shiv Quality Corner,
near Pashu Hospital,
Rai Varally Road, Pachrawan,
Distt. Raivreality.

(9)

21. Sh. Santosh Kumar Sharma,
S/o Sh. Mewa Ram Sharma,
Gram Post Savai,
Distt. Agra(UP).
22. Sh. Anjani Kumar Mishra,
S/o Sh. Shyam Sunder Mishra,
220/5, Asik Chauraha,
Jhansi-284002.
23. Sh. Vinod Kumar Sharma,
S/o Sh. R.P. Sharma,
MAP 71C-D,
West Railway Colony,
Bhopal.
24. Sh. Shiv Prasad,
S/o Sh. Bhagwan Das,
Mukan Badan Pura,
Post Moth,
Distt. Jhansi.
25. Sh. Kailash Kumar Pandey,
S/o Sh. Ram Babu Pandey,
267/A, Marsha Ganj,
Sari Bazar, Jhansi.
26. Mohd. Moinudin Sideque,
S/o late Sh. Mohd. Akjal Sidique,
682/7 Tandon Compound behind
Central Hotel Jhansi.
27. Sh. Rajesh Sen,
S/o Sh. Sohan Lal Sen,
Rani Laxmi Nagar,
Colony, Jhansi.
28. Sh. Devendra Kumar Pandey,
S/o Sh. Ram Sharma,
1006 Dildar Nagar,
Khati Baba Jhansi.
29. Sh. Jageshwar Prasad,
S/o Sh. Babu Bal,
Phakari Pura,
Jhansi.
30. Sh. Surya Kumar Trivedi,
S/o Sh. Ram Kishav Trivedi,
133/276 M Block,
Kidwai Nagar,
Kanpur-208023.
31. Sh. Suraj Prakash,
S/o Sh. Munna Lal,
53, Khushy Pura,
Muhalla Jhansi.
32. Sh. Shakir Ahmad,
S/o Sh. S.A. Ghauri,
MIG 205,
Aish Bag Stadium,
Housing Board Colony,
Bhopal.

(10)

33. Sh. Shekh Abdul,
S/o Sh. Shekh Baboo,
Ganga Nagar Colony,
near I.T.I.
Jhansi.
34. Sh. Raj Kumar Richhavia,
S/o Sh. S.D. Richhavia,
4/26, Panna Lal
Compound Sadar Bazar
Jhansi-284001.
35. Mohd. Iqbal,
S/o Sh. Mohd. Salim,
Gola Kuan.
near Keraliya Temple,
Jhansi.
36. Sh. Anjani Kumar Mishra,
S/o Sh. Shyam Sunder Mishra,
220/5, Asik Chauraha,
Jhansi-284002.
37. Sh. Rama Shanker Dubey,
S/o Sh. G.D. Dubey,
67, Purany Nazai, Jhansi-284002.
38. Sh. Ram Prakash Sahy,
S/o Sh. Govind Das Sahy,
near Gopal ki Bagiya Bada Gate,
Jhansi.
39. Sh. Vinod Kumar Aggarwal,
S/o Sh. Har Prasad Aggarwal,
45, Islam Ganj,
Gadiya Fadak, Jhansi.
40. Sh. Ramesh Chandra Sharma,
S/o Sh. Komal Prasad Sharma,
Gariya Fatak Nagra, Jhansi.
41. Sh. Sanjeev Kumar Srivastava,
S/o Sh. Bajri Prasad,
Vill. Post Raksha Distt. Jhansi.
42. Sh. Bhoop Singh,
S/o Sh. Gulab Singh,
51/53 Jaganna Pali,
Nai Pul Ke pass Agra Cantt.
43. Sh. Jahar Singh,
S/o Sh. Har Kishan yadav,
Vill. Pachar P.O. Vadera,
Jhansi.
44. Sh. Ranvir Singh,
S/o Sh. Makla Prasad Singh,
Vill. & P.O. Amrathu,
Shlthanpur.
45. Sh. Bijoo Mathew,
S/o Sh. P.K. Mathew,
245 Ram Daska Bangla,
Nai Naghar Nagar, Jhansi.

46. Sh. Ashwani Kumar,
S/o Sh. B.L. Mudgil,
Mohalla Hari Pura Ward No.3,
Vill. Samther Distt. Jhansi.
47. Sh. Pradeep Kumar Nigam,
S/o Sh. K.P. Nigam,
24/65 C Block,
Govind Nagar,
Kanpur.
48. Sh. Shyam Kishor,
S/o Sh. Bodh Ram,
25/28, Hata Pyare Lal,
Prame Nagar, Jhansi.
49. Sh. Bhagwandas Ahirwar,
S/o Sh. K. Ahirwar,
Gram Shawni Mau Raipur,
Distt. Jhansi.
50. Sh. Brijlal Ahirwar,
S/o Sh. Dhani Ram.
51. Sh. Om Prakash,
S/o Sh. Param Lal,
213, Gudri Jhansi.
52. Sh. Pramod Kumar Tiwari,
S/o Sh. Babu Lal ji Tiwari,
Rewariya Ward,
Etwa Bazar,
Bina-476 113.
53. Sh. Akhay Singh,
S/o Sh. Ghumandi,
Vill. & P.O. Paper Mills,
Distt. Jhansi. Applicants.

(through Shri B.S. Maine, advocate)

versus

1. Union of India through
the Secretary,
Railway Board,
Ministry of Railways,
Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Bombay V.T.
3. Divisional Railway Manager,
Central Railway, Jhansi.
4. The Chief Workshop Manager,
Central Railway Jhansi. Respondents

(through Shri H.K. Gangwani, advocate)

(12)

OA-976/96

1. Shri Mukesh Sahu,
S/o Shri Babu Lal Sahu,
R/o F/3/696 mGali No.8,
G Block Devli Gaun,
Sangam Vihar, Delhi.
2. Sh. Manoj Kumar,
S/o Sh. Vishamber Dayal,
R/o F/3/696, Gali No.8
G Block, Devli Gaun,
Sangam Vihar, Delhi.

Applicants

(through Shri B.S. Maine, advocate)

versus

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the Secretary,
Railway Board,
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Rail Bhawan,
New Delhi.
2. The General Manager,
Central Railway,
Bombay V.T.
3. Divisional Railway Manager,
Central Railway, Jhansi.
4. The Chief Workshop Manager,
Central Railway Jhansi.

Respondents

(through Shri P.S. Mahendru, advocate)

The application having been heard on 11.11.1996 the
Tribunal on the same day delivered the following:

ORDER

Chettur Sankaran Nair(J), Chairman

55 of 184 persons selected as Apprentices
Trainees by respondent, Railways seek a direction to
respondents to appoint them against existing and future
vacancies of Artisans. According to them, they were
trained for three years alongwith the other 130 persons,
but they were not appointed unlike the others. This is
a waste of human resources submit applicants. They
would also say that the time and money spent for
training them, would be lost if fresh hands are to be
trained and appointed. They also rely on the decision

of Supreme Court in U.P. State Road Transport Corporation and Another Vs U.P. Parivahan Nigam Shishukhs Berozgar Sangh and Others (1995 SCC (L&S) 386) to support their case. In the decision cited, inter alia, the Supreme Court observed that other things being equal, a trained apprentice should be given preference that such apprentices need not be sponsored by any Employment Exchange, and that age bar would not come in the way of the apprentices being appointed.

2. In answer, counsel for Railways would submit that applicants would not come within the purview of the Administrative Tribunals Act, 1985. This contention is too transparent to stand scrutiny because matters relating to recruitment and concerning recruitment would also fall within the ambit of Section 14 of the Act.

3. We notice that by Annexures A-12 and A-13 Chief Workshop Manager who is conversant with the fact situation had made a request to his higher authorities to appoint these apprentices as:-

"This will not only speed up the process of selection but will also solve the long standing pending demand of these Apprentices."

4. Having specific regard to A-12 and A-13, we direct respondents to consider the request of applicants for appointment with special stress on the cost benefit analysis aspect of the situation. This will be done

-8-

within three months from today. Applications are disposed of with the aforesaid directions. Parties will bear their costs.

5. We are not expressing any opinion on the question of limitation.

Dated, 11th Day of November, 1996.

(S.P. Biswas)

Member(A)

(Chettur Sankaran Nair(J))

Chairman

/vv/

PRITAM SINGH
Court Officer
Central Administrative Tribunal
Princoal Bldg.
Fazluk House, New Delhi

11/11/96