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Central Administrative Tribunal
Principal Bench: New Delhi

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OA No. 1081/97
OA No. 1083/97
OA No. 1084/97
OA No. 1085/97

New Delhi, this the 1st day of August, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman(J)
Hon'ble Shri K.Muthukumar, Member (A)

OA No. 1081/97

Sh. Rajesh Kumar Mauriya
s/o Sh. M.L. Mauriya,
C/o R.B.Lal,
B 58/1, Shashi Garden,
Gali No. 9 (Near Mayur Vihar Phase I),
Delhi - 110 091.

OA No. 1083/97

Sh. Vivek Nigam,
s/o Shri Chandrika Prasad Nigam,
c/o Shri V.K. Nigam,
G/157, Sector 9,
Vijay Nagar, Ghaziabad.

OA No. 1084/97

Sh. Pramod Singh,
s/o Shri Mahi Lal Singh,
R/o B4/297, Nand Nagri,
Delhi.

OA No. 1085/97

Shri Deepak Malik,
s/o Late Sh. I.D.Malik,
R/o 6/287, Geeta Colony,
Delhi.

...Applicants

(By Advocate: Shri Surinder Singh)

-Versus-

Union of India through

1. Secretary,
Department of Urban Development,
Nirman Bhawan,
New Delhi.
2. The Director of Administration,
C.P.W.D., Nirman Bhawan,
New Delhi.

.....Respondents

(By Advocate: Shri K.C.D.Gangwani)

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O R D E R (ORAL)

[Dr. Jose P. Verghese, Vice-Chairman(J)]

The applicants in these OAs seek a direction on the basis of the decision of the Hon'ble Supreme Court in U.P. State Road Transport Corporation & Anrs. Vs. U.P. Parivahan Nigam Shikshuka Berozgar Sangh & Ors.

2. The applicants in these cases complain that the applicants being apprentice trainees, who have successfully completed the training under the respondents, are being ignored when 500 posts are being advertised and the examination is already held on 27.7.1997. In the interest of justice, we had issued urgent notices.

3. Learned counsel for the applicants stated that the Cabinet Minister in the Ministry of Labour had made a statement on the floor of the Rajya Sabha that 50% posts will

be reserved for apprentice trainees, who have successfully completed the training. Learned counsel appearing on behalf of the respondents, on the other hand, stated that this being a policy decision, several Ministers are involved and it will take some time to take the final decision. In the meantime, on the basis of direction of this court, a corrigendum to the advertisement was issued stating that there may be a substantial variation in the number of posts, even though the

initial advertisement was for 500 posts of Junior Engineers

(Civil) and 50 posts for Junior Engineers (Elect.).

4. We have perused the documents and we are satisfied that the respondents have carried out the said corrigendum.

5. The matter has come up today again and the respondents' counsel states that it will take at least another three months' time to finalise the policy. For that purpose, these OAs need not to be retained in this Tribunal. This being a policy matter, and the decision of the Hon'ble Supreme Court referred to above are equally binding on the respondents, the respondents are left to decide on their own what should be the percentage of reservation applicable to those who have completed training of apprenticeship successfully. The respondents shall also bear in their minds, the statement of the counsel for the petitioner that the Cabinet Minister of Ministry of Labour had made a statement on the floor of the Rajya Sabha that 50% of the vacancies will be reserved for apprentice trainees who have successfully completed the training under the respondents and it was his contention that the said statement was in view of the decision of the Hon'ble Supreme Court in the above said case.

6. In the circumstances, the respondents shall finalise the policy decision as to what would be the percentage of reservation, as quick as possible before filling up all the vacancies now advertised so that the portion of the vacancies now advertised in accordance with their policy shall be available for the apprentice trainees who have successfully completed their training.

7. With these directions, these OAs are disposed of with no order as to costs.

(K. Muthukumar)
Member (A)

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(Dr. Jose P. Verghese)
Vice-Chairman (J)

Attested
K. Muthukumar
20/8/97