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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

...

OA No. 2956/97

New Delhi, this the 24th day of August, 1998

HON'BLE SHRI T.N. BHAT, MEMBER (J)
HON'BLE SHRI S.P. BISWAS, MEMBER (A)

In the matter of:

Mukesh Kulshrestha,
s/o Sh. G.D.S. Kulshrestha
r/o 20A, Keshav Kunj,
Pratap Nagar,
Agra (UP)

...Applicant

(By Advocate: Sh. Rajesh Tyagi)

Vs.

Union of India through

1. Secretary,
Ministry of Defence,
New Delhi.
2. Director General of EME,
through Master/General of
Ordinance/Branch,
D.H.O.D.O. New Delhi.

...Respondents

(By Advocate: Sh. KCD Gangwani)

ORDER (ORAL)

Hon'ble Shri T.N. Bhat, Member (J)

Shri K.C.D. Gangwani states that in pursuance to the direction of the Tribunal he had accepted notice on behalf of respondents on 28.4.1998 but despite repeated letters being sent by him he has not been able to elicit any response from the respondents. However, he has made submissions on the basis of the material already on file, which we have considered.

2. The applicant has worked as Apprentice under the Apprenticeship Act at 509 Army Base Workshop and claims absorption on regular basis against the vacancies that have arisen in the aforesaid Workshop for the post of

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telecom mechanics. Referring to the instructions issued by the Directorate General EME on 20.12.1996 on the subject of "Release of Vacancy", the learned counsel ^{for the} ~~applicant~~ states that according to these instructions no posts have been reserved for those who have completed the training as apprentice. He also cites before us a judgement of the Hon'ble Supreme Court in U. P. State Road Transport Corporation vs. U.P. Parivahan Shishukhs Berozgar Sangh, reported in AIR 1995 (SC) 1115, in which on comparable facts directions were given to the aforesaid Corporation that they should keep some posts reserved for apprentices and make appointments accordingly.

3. We notice that on identical facts another Bench of this Tribunal headed by ^{Hon'ble} Sh. S.R. Adige, Vice-Chairman issued directions in OA 375, 378 and 381 of 1997 by judgement dated 13.10., 1997 directing the Directorate General EME, through Master General of Ordnance Branch, ~~DHQDO~~, New Delhi to consider the claims of the applicants in those OAs while making direct recruitment to the post of telecom mechanics keeping in mind the directions of the Apex Court in the judgement referred to above, more particularly the directions contained in para 12 (1) of that judgement according to which, other things being equal, a trained apprentice was required to be given preference over direct recruits.

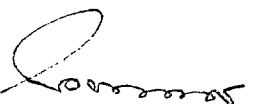
4. The learned counsel for the respondents seeks to distinguish the facts of the instant case from those in the U.P.S.R.T.C. case (supra) but he has not

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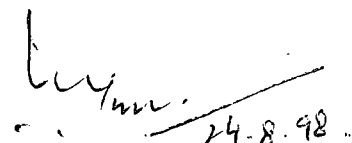
been able to show any distinguishing facts in the OAs referred to above which have been disposed of by the judgement of the Tribunal dated 13.10.1997.

5. In view of the above and in line with the directions in the judgment of the Hon'ble Supreme Court as followed in the judgment dated 13.10.1997 pronounced by this Tribunal in OAs 375, 378 and 381 of 1997 we direct the respondents to make necessary modifications in the instructions/ guidelines issued on 20.12.1996 in order to incorporate in them the directions issued by the Apex Court and the Tribunal on comparable ^{facts} ~~basis~~. A decision shall be taken and this order ~~be~~ implemented within a period of three months from the date of receipt of a copy of this order. Till the decision is taken an adequate number of posts shall be kept vacant to accommodate the apprentice who may become eligible in the meantime.

With this ^{order} the O.A. is disposed of, with no order as to costs.


(S.P. Biswas)
Member (A)

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(T.N. Bhat)
Member (J)