Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No. 375/97
O.A. No. 378/97
O.A. No. 381/97

New Delhi this the 13th October, 1997.

Hon'ble Shri S.R. Adige, Vice-Chairman (A)
Hon'ble Dr. A. Vedavalli, Member (J)

O.A. 375/97

Bikram Jit
S/o Baldev Singh,
R/o Ram Bihar Colony,
Bundu Katra, Agra

.....Applicant

Versus

Union of India through

1. Secretary,
Ministry of Defence,
New Delhi-11011

2. Directorate General of E.M.E.
through Master General of
Ordinance Branch,
D.H.O. DO.New Delhi-110 001

.....Respondents

O.A. No. 378/97

Shri Ashish Kapoor,
S/o Shri K.C.Kapoor,
A-2, Akbar Barrack,
Agra Cantt.

.....Applicant

Versus

1. Union of India through

Secretary,
Ministry of Defence,
New Delhi- 110 011

2. Directorate General of E.M.E.
through Master General of
Ordnance Branch,
D.H.O. DO. New Delhi-110 001

.....Respondents

O.A. No. 381/97

Shri Manhar Saxena
S/o Shri S.C. Saxena,
R/o 37/58 Bundu Katra,
Gwalior Road, Agra.

.....Applicant

Versus

1. Union of India through

Secretary,
Ministry of Defence,
New Delhi- 110 011.

2. Directorate General of E.M.E.
through Master General of
Ordnance Branch,
D.H.Q. PO. New Delhi-110 001

.....Respondents

(By Advocate: Shri Rajesh Tyagi, for the applicant
Shri M.K. Gupta, for the respondents)

ORDER (Oral)

By Hon'ble Shri S.R. Adige, Vice-Chairman (A)

As these three OAs involve common questions of law and facts, they are being disposed of by this common order.

2. Applicants seek consideration for appointment as direct recruits on preferential basis against the vacancies of Telecommunication Mechanics, on the strength of their being qualified apprentices mechanics in terms of the Hon'ble Supreme Court's judgement in U.P.S.R.T. Corporation Vs U.P. Parivahan N.S.B. Sangh Reported in AIR 1995 SC 1115.

3. It is not disputed that the applicants are qualified apprentices. As per the recruitment rules for filling up the post of Telecommunication Mechanics (Page-9 of Respondents' reply) transfer is the first method, failing which by transfer on deputation/re-employment and failing both by direct recruitment.

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4. Applicants' counsel Shri Rajesh Tyagi states what the applicants are seeking that if and when respondents fill up the concerned post of Telecommunication Mechanics through direct recruitments, the applicants should be given preferential treatment in view of the Hon'ble Supreme Court's ruling cited above.

5. In this connection our attention has been invited to para-12 of the said judgement, which is extracted below:

> "In the background of what has been noted above, we state that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion of their training:-
>
> 1) Other things being equal, a trained apprentice should be given preference over direct recruits.
>
> 2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India Vs. Hargopal, AIR 1987 SC 1227, would permit this.
>
> 3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the concerned service rule. If the service rule be silent on this aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.
>
> 4) The concerned training institute would maintain a list of the persons trained year wise. The persons 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."

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(12)

6. These three OAs are disposed of with a direction to the respondents that if and when they make direct recruitments to the posts of Telecommunication Mechanics they should consider the claims of the applicants for preference for appointment to those posts, in the light of the Hon'ble Supreme Court's ruling, referred above, to the extent that the said ruling is applicable to the facts and circumstances of these particular cases. In this connection pointed attention of the respondents is invited to para-12 (1) of that ruling extracted above, which states that "other things being equal, a trained apprentice should be given preference over direct recruits".

7. These three OAs are disposed of as above. Copies to be placed in records of all three OAs. No costs.

(Dr.A. Vedavalli)
Member (J)

(S.R.Adige)
Vice-Chairman (A)

cc.