

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/020/00385/2018

HYDERABAD, this the 15th day of December, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



Mr.M.Sudhakar
S/o C.Venkata Ramulu,
Aged about 34 years,
R/o 12-274, S.N.Pet, Guntakal-515801,
Anantpur District.Applicant

(By Advocate : Mr. K. Sudhaker Reddy)

Vs.

1. Union of India rep by its
General Manager, South Central Railway,
Rail Nilayam, III Floor,
Secunderabad-500 071.
2. The Chief Personnel Officer,
South Central Railway, Rail Nilayam,
Secunderabad-500 071.
3. The Chief Workshop Manager,
Carriage Repair Workshop, Tirupati,
S.C. Railway, Tirupati.Respondents

(By Advocate : Mrs. A.P. Lakshmi, SC for Railways)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:

2. The OA is filed in regard to engaging the applicant as a substitute against Group D vacancy for having completed apprenticeship training.



3. Brief facts of the case are that the applicant completed the CCAA Apprenticeship as a member of the 95th batch, on 04.6.2011. Respondents issued a notification to fill up group D vacancies (Sub/Khalasi) by CCAA candidates on 17.8.2012 and 24.8.2012 respectively. Applicant along with 33 others submitted the application. Earlier to the notification, CWM/CRS forwarded a list of 39 CCAA (Course Completed Act Apprentice) candidates which includes the name of the applicant, to R-2 on 30.5.2012. CCAA candidates were appointed vide letter dated 28.2.2013 wherein the name of the applicant does did not figure. Applicant made several representations, but in vain and hence the OA.

4. The contentions of the applicant are that Sri P.Vinod Kumar and ors, belonging to the 95th batch, who completed the course in August 2011 whereas applicant belonging to the same batch completed the training in June 2011 and therefore, he ranks senior and yet, he was ignored to be considered for Group D vacancies (Sub/Khalasi). Applicant underwent apprenticeship in CRS/TPTY and Sri P.Vinod Kumar and ors from WWS/RYPS. Applicant is fully eligible to be considered as is seen

from the fact that even before the notifications referred to were issued, his name was recommended to R-2. Juniors to the applicant were preferred.



5. Respondents in their reply statement, state that under the Apprenticeship Act, only training has to be given and not to absorb the trained apprentices. The CPO, Secunderabad (R-2) has addressed the Chief Workshop Managers (CWS) of Lalaguda, Guntupalli & Tirupati on 30.5.2012 to fill up the Group D vacancies in view of exigencies of service from the willing CCAA candidates who had National Apprenticeship Certificate (NAC) issued by NCVT. GM is empowered to consider CCAA candidates as substitutes in Group D vacancies. As there were large number of vacancies, the competent authority has approved engaging 123 CCAA candidates which includes 31 candidates from the Tirupati workshop. On 17.8.2012, the CCAA candidates were directed to be addressed by the CPO/Sec to ascertain their willingness for working as Substitute Khalasi Helpers in Railways. The CWM/TPY sent a letter on 15.9.2012 forwarding the applications of 38 candidates which included 31 candidates of 94th batch and 8 from the 95th batch who completed the training before receipt of CPO letter dated 17.8.2012. Of the 123 CCAA candidates, GM approved on 8.8.2012 to engage 31 candidates trained at CRS/TRY. Training is done in different Railway Establishments under different notifications and it is not correct to make comparison between trainees of different Railway Establishments. Railway Board vide letter dated 21.6.2016 decided to fill up 20% of vacancies of direct recruitment quota in the grade pay of Rs.1800 by giving preference to CCAA candidates having NAC issued

under the Apprenticeship Act. Therefore, engaging CCAA candidates as Substitutes is now dispensed with. The Workshop Personnel Officer/TPY has sent a letter on 23.8.2012 seeking willingness of CCAA candidates to be engaged as Substitutes. Seeking willingness is not an offer of appointment. Only 31 candidates list was forwarded by the Tirupati Workshop and not 39 as stated by the applicant. The consideration of the candidates is based on the requirement and since the applicant was trained at Tirupati, he cannot compare himself with the candidates trained in other establishments. The contention of the applicant that based on the notification dated 24.8.2012, there was a letter issued to the CCAA candidates to submit applications is incorrect.

6. Heard both the council and perused the pleadings on record.
7. I. Respondents under the Apprentice Act of 1961 have to train apprentices in certain designated trades and on successfully completing the training, they are issued the National Apprenticeship Certificate. Under the Act, they have to train the candidates and the Railways are under no responsibility to absorb the trained apprentices. The respondents have 3 Workshops for giving training under the Apprenticeship Act. The applicant was trained in the 95th batch at Tirupati and was expecting to be absorbed as a Group D (Substitute Khalasi). The GM in order to fill up a large number of vacancies, approved 123 candidates as Substitutes against Group D vacancies and some of them are from the Tirupati Workshop. IREM Para No.1512 defines Substitutes as those who are engaged against posts which cannot be kept vacant due to leave or temporary/permanent



employees are not available to man the posts. Substitutes are paid the regular scale prescribed for the post against which they work. Applicant's name did not figure in the said list of approved candidates and his claim that, though he is senior for having been trained in June 2011, he was not considered, but Sri P.Vinod Kumar and ors who were trained in August 2011 were considered. Respondents have explained that different establishments conduct training and therefore, the applicant cannot compare himself with those trained in other establishments. The CPO/SC has only written letters to the Workshops, but there is no notification issued *per se*. Letters issued by the respondents is only to seek willingness to work as Substitutes and they are not offers of appointments. The respondents have not issued any combined seniority list so as to consider the candidates, since the rules do not provide for the same. However, it is a fair expectation that the candidate who has completed the training earlier has to be considered and the applicant's grievance is only to this extent and that too, for a Substitute vacancy. Consequent to amendment of Section 22 of the Apprenticeship Act, respondents have come out with a circular on 21.6.2016, wherein it is specified that 20% of group D vacancies in direct recruitment quota with Grade Pay of Rs.1800, CCAA candidates with NAC will be given preference. Respondents state that after the issue of the cited Circular, the system of engaging CCAA candidates as Substitutes has been dispensed with. However, it was mentioned in the reply statement that the competent authority to consider cases of engaging CCAA candidates as Substitutes is the GM.

II. Therefore, keeping this in view, we direct the General Manager i.e. the 1st respondent, to examine the scope of considering the case of the applicant as a Substitute against Group D vacancies as per relevant rules and law, since he has NAC and is trained in the designated trade, which is useful to the respondents. Time allowed to take a decision is 3 months from the date of receipt of the order.



With the above direction the OA is disposed of with no order as to costs.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

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