

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA. No. 1548/87

Date of decision: 26.8.1993

Afaq Ahmad Khan

....

Petitioner.

Versus

Union of India & Ors.

Respondents.

CORAM:

THE HON'BLE MR. JUSTICE V.S. MALIMATH, CHAIRMAN.
THE HON'BLE MR. S.R. ADIGE, MEMBER (A).

For the Petitioner. - Shri K.L. Bhandula, Counsel.

For the Respondents. - Shri M.L. Verma, Counsel.

JUDGEMENT (ORAL)

(By Hon'ble Mr. Justice V.S. Malimath, Chairman)

The petitioner completed his apprenticeship training under the Central Water Commission on 24.11.1986. The training commenced from 25.11.1985. Even before he completed the apprenticeship training, he applied for the post of Junior Engineer in the Eastern Zone of the Central Water Commission. He was duly interviewed. According to the petitioner, he had secured qualifying marks and, therefore, his name was included in the panel but he was not given appointment. Shortly thereafter, another selection was held for another zone and the petitioner's candidature for that zone also was not considered. It is in this background that the petitioner has approached the Tribunal for relief.

2. Shri Bhandula, learned counsel for the petitioner, contended that the apprenticeship programme was conducted by the Central Water Commission for the purpose of giving

recruitment to them in the vacancies that may occur in the said Commission. The petitioner having undergone the training, it was urged that he was entitled for being appointed if the vacancy existed. It is his case that everyone who got the training under the relevant scheme was entitled to be appointed. Reliance is placed on the scheme dated 23.3.1983 (Annexure-III). It is clear from that office memorandum that certain instructions were issued to different departments of the Government to take suitable measures for providing employment to the apprentices in the public sector industrial establishments under the respective charges. We are not concerned with the appointment of persons in any public undertaking or industrial public sector. The office memo dated 23.3.1983 is only an instruction to encourage appointment of apprentices. That is not a rule or an order regulating appointment. Hence, no rights flow from the said office memo. Reliance was also placed by Shri Bhandula, learned counsel for the petitioner, on Annexure V dated 24.3.1984 issued by the Central Water Commission. This again contains instructions in the matter of holding a proper test for making selection for appointment under the Central Water Commission. It is not the case of the petitioner that he was not considered. The reply makes it clear that the case of the petitioner was duly considered and that his name was ~~also~~ included in the panel. What is, however, stated is that/petitioner could not be appointed as he did not come within the range having regard to the limited number of vacancies available.

✓ It is not the case of the petitioner that any one who was

lower in rank than the petitioner has been given appointment. That being the position, if the petitioner could not be appointed, he cannot make a legitimate grievance before us. It was, however, maintained that every apprentice is entitled to secure the appointment. There is no order, rule or regulation which provides that everyone who has undergone apprentice training is to be provided an appointment. Besides, it is necessary to state that whereas the selection took place on 21.4.84 the petitioner was then continuing as an apprentice and the period of apprenticeship was successfully completed long thereafter. It is too much to accept the contention of the petitioner's counsel that everyone who has undergone apprentice training is to be provided an appointment whether he completes training successfully or not. It is not possible to accede to the contention of the petitioner. As the case of the petitioner has been considered and has not been given appointment having regard to the lower ranking in the selection, he cannot make a grievance for appointment. We are not satisfied that the petitioner's case was entitled to be considered either on all India basis or on Zonal basis.

Looked at from any angle, there is no substance. We are told that the petitioner has since got appointment. That is obviously on the basis of fresh selection. Hence, we see no good ground to interfere. This petition fails and is, therefore, dismissed. No costs.

Anfolig
(S.R. ADIGE)
MEMBER (A)

Malimath
(V.S. MALIMATH)
CHAIRMAN