

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,

ALLAHABAD.

....

original Application No. 1101 of 1997
this the 16th day of April 2002.

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, V.C.
HON'BLE MAJ GEN K.K. SRIVASTAVA, MEMBER(A)

1. Praveen Kumar Shukla, S/o Sri Anant Ram Shukla,
R/o Village Bichiya (Jungal Tulsi Ram Shastri Nagar,
Gorakhpur.
2. Pravez Ahmad, S/o Sri Mohd. Anwar Ahmad, R/o
Banglow no.7 (out house), Railway Colony, Gorakhpur.
3. Rajesh Chandra Pandey, S/o Adya Prasad Pandey,
R/o C/o L.B. Yadav, Section Engineer, Head Treatment
Shop, N.E. Railway Workshop, Gorakhpur.
4. Ranjeet Yadav, S/o Rama Yadav, R/o C/o Sri Anant
Ram Shukla, Railway Telephone Exchange, Gorakhpur.
5. Surya Prakash Kanujiya, S/o Sri Jung Bahadur, R/o
Banglow no. 76 (out house), Railway Colony, Gorakhpur.
6. Vijay Kumar, S/o Sri Ram Bharose, R/o Banglow no.76
(out house) Railway Colony, Gorakhpur.
7. Ranjeet Singh Ratti, S/o Sri Gyan Chand, R/o C/o
Sri Anant Ram Shukla Railway Telephone Exchange,
Gorakhpur.
8. Ravindra Nath Tewari, S/o Sri Hem Narayan Tewari,
R/o C/o Sri Hem Narayan Tewari, Time Clerk, Time
office, N.E.R. Workshop, Gorakhpur.
9. Mohd. Shakeel, S/o Mohd Ibrahim, R/o C/o Mohd. Ibrahim
J.E. Second Mill Wright Shop, N.E.R. workshop,
Gorakhpur.
10. Awadesh Kumar, S/o Sri Ram Snehi, R/o C/o Sri Ram
Snehi, O.S. EME Office, NER, Gorakhpur.
11. Ashok Kumar Verma, S/o Sri Radha Kishan Verma,
R/o C/o Sri Ram Snehi O.S. CMI Office, N.E.R.,
Gorakhpur.

12. Chandrakeshwar Sharma, S/o Sri Gyan Chand Sharma, R/o C/o Sri Hem Narayan Tiwari, Time Office, N.E.R. Workshop, Gorakhpur.
13. Ramakant Yadav, S/o Sri L.B. Yadav, R/o C/o L.B. Yadav, Section Engineer, Head Treatment Shop, N.E.R., Workshop, Gorakhpur.
14. Ashok Kumar, S/o Sri Dharm Raj Sharma, R/o C/o Sri Anant Ram Shukla, Telephone Exchange, Railway Colony, Gorakhpur.

Applicants.

By Advocate : Sri S.K. Om
with

Original Application No. 511 of 2001

1. Mohd. Anwar, S/o Late Mohd Asghar, R/o 284 Sahaswani Tola Purana Shahar P.O. Shamatganj, Bareilly.
2. Nauneet Singh, S/o Sri Pratap Singh Rhatnagar, R/o Malakpur Bajaria, District Bareilly.
3. Yogesh Kumar Rastogi, S/o Sri K.P. Rastogi, R/o 39 Nawab Ka Thera Bhoor, Bareilly.
4. Girja Shanker, S/o Sri Bahulal, R/o L-86/R Hospital Colony, Izatnagar, Bareilly.
5. Ajai Singh Raghuvanshi, S/o Sri Devi Singh, R/o Kalibari 19 Shahdra, Bareilly.
6. Swaroop Dutta S/o Sri A.K. Dutta, R/o Ektanagar Rajendra Nagar, Bareilly.
7. Janendra Prakash Gautam, S/o Sri Ram Mukar, R/o Defence Colony, P.O. Izatnagar, Bareilly.
8. Brajesh Kumar, S/o Sri Ramjilal Nimesh, R/o A/61 Rajendra Nagar Avas Vikas Colony, P.O. Izatnagar, Bareilly.
9. Ashwani Kumar Bharti, S/o Sri Ram Pratap, R/o Rannagar Colony Road No. I, P.O. Izatnagar, Bareilly.
10. Sanjeev Urao, S/o Sri Shukra Urao, C/o Chandra

Indwar, Station Colony, Izatnagar, Bareilly.

11. Shailendra Kumar, S/o Sri Mahendra Kumar, R/o CT-11/19
Telephone Colony, Shastri Nagar, Bareilly.
12. Nagendra Mohan, S/o Sri Mohan Ram Partapur Chaudhary
Behind Central School Road No. 7, Izatnagar, Bareilly.
13. Anurag Shukla, S/o Sri M.S. Shukla, R/o E/Block
Rajendra Nagar, P.O. Izatnagar, Bareilly.
14. Kaiser Ali Khan, S/o Sri A.A. Khan, R/o Partapur
Chaudhary, Izatnagar, Bareilly.
15. Anil Kumar Nagrani, S/o Sri LCK Nagrani, R/o C-Block
Rajendra Nagar, Izatnagar, Bareilly.
16. Ranjit Singh, S/o Sri Sewa Singh, R/o Santnagar
Izatnagar, Bareilly.
17. Ghanshyam Das, S/o Sri S.R. Gangwar, R/o Tauliya,
C.G. Ganj, Bareilly.
18. Ram Narayan, S/o Sri K. Dev, C/o Ra Kewar Chaurasia
House No. 87, Road No. 7, Izatnagar, Bareilly.
- 19- Anil Kumar, S/o Sri Prem Chandra, R/o Ramnagar Colony
Izatnagar, Bareilly.
20. MeeraJ Kumar, S/o Sri Hari Vilas, A Block Rajendra
Nagar, Izatnagar, Bareilly.
21. Mohd. Ishaq, S/o Sri Mustafa Ahmad, R/o Bhojipura
in front of N.E.R. station, Bareilly.
22. Ravindra Kumar Verma, S/o Sri Rajvanshi C/o Rajendra
Hospital Colony, Izatnagar, Bareilly.
23. Raj Kumar, S/o Sri Gopaliram, R/o Nai Basti Near
Bharepure Ki Tal Jagatpur, Bareilly.
24. Vijay Ram, S/o Sri R.P. Saxena, C/o Sri N.C. Hisaria,
E-40 Rajendranagar, Bareilly.

Applicants.

By Advocate : Sri Sudhir Agrawal.

Versus.

1. Union of India through the General Manager, N.E.R.,
Gorakhpur.

2. Chief Personnel Officer, N.E.R., Gorakhpur.
3. Chief Workshop Manager, N.E.R., Izatnagar, Bareilly.
4. Chief Workshop Manager (Personnel), N.E.R. Workshop, Izatnagar, Bareilly.
5. The Senior Personnel Officer (Recruitment), in the office of General Manager (P), N.E.R., Gorakhpur.
6. The General Manager (P), N.E.R., Gorakhpur.
7. Parvez Ahmad, S/o Mohd Anwar Ahmad, Bunglow no. 7, out house, Railway Colony, Gorakhpur.

Respondents.

By Advocate : S/Sri U.N. Sharma & A.V. Srivastava.

O R D E R (ORAL)

JUSTICE R.R.K. TRIVEDI, V.C.

Both the aforesaid O.As, the question of facts and law are similar, therefore, they can be disposed of conveniently by a common order against which the counsel for the parties have no objection.

2. The applicants in both the O.As are trained apprentices and they had completed their training in different trades, on different dates under the railway administration. Their grievance is that they are not being considered for appointment against Group 'C' & 'D' posts. Reference has been given to the Railway Board's circulars dated 16.9.96 and 3.12.96 (Annexure nos. 3 & 4 respectively). It has been submitted that the trained apprentice may be considered at the time of appointment against Group 'C' & 'D' post strictly in accordance with the circulars. Sri U.N. Sharma, learned counsel appearing for the respondents has submitted that both the O.As may be disposed of finally with a reasonable direction to the respondents to comply with the circulars of the Railway Board. It has also been submitted that

henceforth the appointment against casual engagement/ substitute shall be made exclusively through trained apprentices and in case of regular appointment, they shall be considered in accordance with the judgments of the Hon'ble Supreme Court in the cases of U.P. State Road Transport Corporation & Another vs. U.P. Parivahan Nigam Shishukhs Berozgar Sangh & Others (1995 (1) UPBEC 320) and U.P. Rajya Vidyut Parishad Apprentice Welfare Association vs. State of U.P. & others (J.T. 2000 (6) SC 227).

3. In view of the statement made above, both the O.A.s are disposed of finally with the following directions:

(i) The respondents are directed to maintain a list of the trained apprentices according to their seniority in merit and batch.

(ii) The appointment whether casual/substitute or regular shall be made strictly in accordance with the seniority in the list so maintained. In case any trained apprentice even after giving an opportunity does not come, then notice shall be given to the next candidate.

(iii) As stated by Sri U.N. Sharma, counsel for the respondents, the appointment against casual/substitute shall be made exclusively through trained apprentices until the list is exhausted.

(iv) So far as the regular appointments including regularisation are concerned, appointment shall be made strictly in accordance with the guidelines provided by the Hon'ble Supreme Court in the aforesaid two judgments.

(v) The appointments which have been made under the interim orders passed by this Tribunal, shall be re-considered for giving adjustment according to their seniority. No costs.