

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD

ORIGINAL APPLICATION NO.1000 OF 1998

ALLAHABAD THIS THE 29TH DAY OF MARCH 2005

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN
HON'BLE MR. S. C. CHAUBE, MEMBER-A

Ajeet Pratap Singh,
Son of Shri Triveni Bahadur Singh,
Resident of Village and Post Mukundpur,
District-Allahabad.

.....Applicant.

(By Advocate Sri H. P. Pandey)

Versus

1. Union of India,
Through Defence Secretary,
New Delhi.
2. The Chairman,
Ordnance Factory Board,
Calcutta.
3. The General Manager,
Ordnance Equipment Factory,
Kanpur.

.....Respondents.

(By Advocate Shri A. Mohiley)

ORDER

HON'BLE MR. JUSTICE S. R. SINGH, VICE-CHAIRMAN

The applicant, an Apprentice Trainee in the trade of Carpenter, has instituted this Original Application for issuance of a direction to the respondent authorities to give him appointment on the basis of his seniority maintained in the unit. The applicant, it is alleged, completed the training in the trade of Carpenter on 05.07.1986. It is further alleged that

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the juniors have been appointed and the applicant has been left out without any valid basis. In the counter affidavit it is pleaded that the names of Ex-Trade Apprentices are maintained in the Factory Trade-wise and Batch-wise. The applicant, according to the counter affidavit, is an Ex-Apprentice of 24th Batch with Carpenter Trade and no Ex-Apprentice of Carpenter Trade of 24th Batch or subsequent batches has been appointed in the Ordnance Equipment Factory, Kanpur in view of the ban imposed on the Government. It is further alleged that a few vacancy has been filled strictly as per the functional requirement in the trade on seniority subject to suitability test but in the trade of Carpenter, no vacancy has been granted for appointment and hence, the applicant could not be appointed. It is further stated in para 14 of the Counter Affidavit, "if vacancies in the trade of Carpenter are liable to be filled up by direct recruitment, the applicant will be called up and his case would be considered subject to seniority and number of vacancies."

2. Having regard to the nature of right of a Trade Apprentice and to the facts stated in the Counter Affidavit, we are of the view that no mandamus can be issued at this stage directing the respondents to appoint the applicant as a Carpenter. However, as stated in the Counter Affidavit "as and when the ban is lifted and vacancy becomes available, the case of

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the applicant shall be considered on the basis of seniority of his batch.

3. The Original Application is disposed of accordingly in terms of the above observations. No Costs.

Shankh
Member-A

RAJ
Vice-Chairman

/NEELAM/