

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 8TH DAY OF MAY, 2002

Original Application No.1337/01

CORAM:

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

HON.MR.S.DAYAL, MEMBER(A\$)

1. Ashok Kumar Yadav, son of  
Shri Tulsi Ram Yadav, R/o village  
Sumerpur, post office Chibhaiya,  
district Allahabad.
2. Jitendra Kumar Pandey, son of  
Shri Jai Kant Pandey, R/o  
Village and Post Chhibaiya,  
district Allahabad.

... Applicants

(By Adv: Shri H.L.Pandey)

Versus

1. Union of India through Secretary  
Ministry of Defence  
New Delhi.
2. Executive Engineer, 508  
Army Base Workshop(Fort),  
Allahabad.
3. Brigadier Commandant,  
508 Army Base Workshop  
(Fort), Allahabad

... Respondents

(By Adv: Shri Ganga Ram)

O R D E R(Oral)

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

By this application applicant has prayed for a direction to the respondents to permit the applicant to face written test/interview held by the respondents with regard to the post of Motor Vehicle Mechanic as well as Lower Division Clerk. The applicant claims that he has completed Apprentice training and was given certificate on 12.7.1998. Copy of the certificate issued by 508, Army Base Workshop, Allahabad has been filed as (Annexures 3 & 4). He has also filed certificate issued by

Nation Council for Vocational Training to show that the Apprentice training was given to the applicant from 1.7.1992 to 30.6.1993 and he participated in the trade test conducted by National Council for Vocational Training held in November 1994. The candidates who have obtained apprentice training and hold such certificates ~~they~~<sup>^</sup> are entitled for preference in employment, if the other things are equal. hon'ble supreme court in a case UPSRTC and Another Vs. U.P. Parivahan Nigam Shishuk<sup>&Ors</sup>~~sa~~ Berojgar Sang, 1995(1) UPLBEC pg 320 held as under:

"12. In the background of what has been .

noticed above, we state that the following would be kept in mind while dealing with the claim of trainee to get employment after successful completion of their training:-

- (1) Other thing 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 name would be relaxed in accordance with what is stated in this regard, if any, in the concerned service rule. If the service rule be alien to 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".

In the back ground of what has been noted above, this OA is accordingly disposed of finally with the liberty to the applicant to apply whenever the post suitable to him is advertised and <sup>The respondents</sup> to permit him to participate. His case shall be considered by the respondents as directed by Hon'ble Supreme Court in the aforesaid judgment. No order as to costs.

  
MEMBER(A)

  
VICE CHAIRMAN

Dated: 8th of May, 2002

Uv/