

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. Ravindvnra 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 Raha 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 Bhatnagar,
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 Naukar , 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 Prasad, R/o
Ramnagar 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-11/1 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. Neeraj 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. Bisaria, E-40 Rajendranagar, Bareilly.

Applicants.

By Advocate : Sri Sudhir Agrawal.

Versus.

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

R P

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.

^u In ^u both the aforesaid O.As, the question^u 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^u 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^u Corporation & Another Vs. U.P.
Parivahan Nigam Shishukhs Berozgar Sangh & Others
(1995 (1) UPLBEC 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.As
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^u 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.

Girish/-

Member (A)

V.C.