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CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH ALLAHABAD

D A No. 1250 of 1992

Tribhuwan Prasad

...

Applicant

Versus

Union of India & others ...

Respondents

Hon'ble Mr Justice R K Verma -V C

Hon'ble Mr K Obayya - A M

(By Hon'ble Mr K Obayya- A M)

By means of this application the applicant has prayed for direction to the respondents to allow him to undergo training as an 'Apprentice' with all consequential benefits.

2- The applicant applied for recruitment of 'Act Apprentice' in response to a notification issued by D.R.M. Mughal Sarai in N E Railway. He was called to appear at the written test held on 17 02 91 and viva-voce on 23 04 91, which he did. According to the applicant, he was successful at selection and his name was included in the panel of 98 candidates at Sl.No.41. The successful candidates were sent for training vide order dated 07 04 92.

The applicant, however, received no order to report for training. The contention of the applicant is that he has satisfied all conditions and was within the age limit of 25 years as prescribed in Rule-159 of I R E M, but notwithstanding this, the respondents withheld the training order; the action of the respondents is assailed as arbitrary and against provisions of law.

3- The respondents have opposed the case, and in their counter it is pointed out that the successful candidates

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were asked to produce certificates of their age, qualification etc, and those who were found not within the age were not issued orders to join training. The age limit for apprentices is 15-20 years, which is relaxed from 2-5 years in the case of S Cs/S Ts and Ex-ITI candidates. The applicant did not belong to those categories, hence he was not eligible for age relaxation. After verification of certificates in support of his qualification, age etc. it was noticed that the applicant was not coming within the age limit hence he was not sent for training. The respondents denied that the age limit of 18-25 years is applicable to 'Apprentices' under the Act.

4- The applicant reiterated his case that he is within the age limit and that his case is covered under rule-159 of I R E M.

5- We have heard the counsels for parties and perused the record. Shri S K Dey, learned counsel for the applicant urged that the applicant was not at fault, since he furnished correct particulars of his age and qualifications and the respondents have accepted the application and permitted the applicant to appear for selection and now after the applicant is declared successful, it is not open to them to deny the training. The learned counsel referred to the provisions in the Railway Manual and explained at length that the applicant was within age.

Shri A K Gaur, learned counsel for respondents pointed out provisions in the 'Apprentice Act' and also referred

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to the notification inviting applications where-in age limit was mentioned as below 20 years of age. He averred that the applicant was aware of the prescribed age limit, when he submitted his application and as he was not eligible for any age relaxation, he could not be sent for training.

6. We have given our serious considerations to rival contentions. Apprentices under the Act constitute a different category. They are recruited under the provisions of "Apprentice Act, 1961", training is given to them under terms of contract liable to be terminated by either parties by notice. It would appear even minors can be taken as 'apprentices'; in such cases contract has to be executed by the guardian. There is no liability for the employer to employ the apprentice.

As distinct from this, Railway Administration recruits 'Apprentices' on selection for regular appointment after successful completion of training. In the present case the Railway Administration can prescribe conditions of eligibility, qualifications etc., for regular appointment however, General Rules of Recruitment are applicable.

Admittedly in this case, the notification contained conditions of eligibility, including age limit. The applicant was not within the age of 20 years prescribed. He was above 20 years of age but below 25 years. He was eligible for regular appointment in Railways. But as an 'Apprentice' under the Act, he was over-aged in terms of notification.

He was for this reason not sent for training. We consider that the action of the respondents is in accordance with

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conditions of recruitment and can not be called as arbitrary.

Reference may be made to the case of Shanker Dass Vs Union of India [1991(3) SCC 47] in which the Supreme Court held that a candidate included in the merit list has no indefeasible right for appointment. In these circumstances we hold that no case is made out for our interference. The application is liable to fail and accordingly it is dismissed with no order as to costs.

R. K. Varma
MEMBER (A)

R. K. Varma
VICE CHAIRMAN

DATED: 30/6/1993.