

Reserved

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

5/4/95

Dated: 24/3/95

Original Application No: 217 of 1994

Sobha Ram Singh,
S/O Late Sardar Singh,
R/o LIG 1477 Sad Bhawan Nagar, Kanpur.

.... Applicant.

By Advocate Shri L.S.Srivastava
Shri P.K.Kashyap

Versus

The Union of India & Ors.

.... Respondents.

By Advocate Shri Ashok Mohiley.

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C O R A M

Hon'ble Mr. S.Das Gupta, Member-A
Hon'ble Mr. J.S.Dhaliwal, Member-J

O R D E R

By Hon'ble Mr. S.Das Gupta, Member-A

This application has been filed under Section 19 of the Administrative Tribunal's Act, 1985 praying for the relief of a direction to the respondents to extend to the applicant the benefit of the decision of both the Calcutta Bench and the Allahabad Bench of the Tribunal in respect of the applicants who filed

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Original Application Nos. 951/1989 and 810/1989 and to give to the applicant appointment in Grade 'B' w.e.f. his initial appointment on 10.2.1967 with all consequential benefits.

2. The applicant had obtained National Apprenticeship Certificate under the Apprenticeship Act 1965 in the trade of Fitter and also took the Apprenticeship Training in the Small Arms Factory in the year, 1967 whereafter, he was appointed as Fitter 'C' in Semi Skilled Grade of Rs. 85-110/- in the said factory on 10.2.1967. It is stated that according to the prospectus of training of Apprentices in Ordnance Factory, although it was not obligatory on the part of the employer to offer any employment to any Apprenticeship on completion of Apprenticeship, the appointments in the skilled Craftsman Grade-II in the scale of Rs. 110-143 and Rs. 125-155 in Ordnance Factories would normally be ^{Offered} opened to those Apprentices who successfully complete training and qualify in the requisite trade test. The applicant further contends that in accordance with this scheme, some of the Apprentices were given employment in the higher scale of Rs. 110-143 or 125-155 but, he was discriminated against being appointed to the semi skilled Grade of Rs. 85-110/-. The applicant contends that had he been appointed

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in the skilled category at the time of his appointment, he would have reached a much higher scale by now. It has been further averred that under similar circumstances, Shri R.P.Sharma and Others filed O.A. No. 951/1989 and Shri R.K. Srivastava & Others filed O.A. No. 810/89 before Allahabad Bench of the Tribunal to be given the same benefit as was given to the applicants in T.A. No. 1246/86 and T.A. No. 1361/86 filed before the Calcutta Bench of the Tribunal and that the Allahabad Bench allowed these applications. The applicant has, therefore, claimed that he should also be given similar benefit.

3. The respondents have filed a Counter Affidavit stating that this application has been filed 27 years after he was initially appointed and during this period, applicant never challenged his initial appointment in Grade 'C' semi skilled post and the present application should be dismissed on this ground alone. They have further stated that the decisions of the Calcutta Bench of the Tribunal in T.A. No. 1246 & 1361 of 1986 relate to the upgradation in the trade of Grinders and the decision in those cases has no application to the case of the present applicant.

4. The applicant has filed a Rejoinder Affidavit reiterating the various contentions made in the Original Application.

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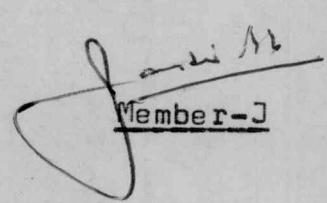
5. The applicant was admittedly appointed on completion of training in the Small Arms Factory as far back as in February, 1967. There is not a whisper in the application that at any point of time, the applicant ventilated his grievance regarding the grade in which he was initially appointed. After a lapse of so many years he has filed this application. Even if the applicant had a good case on merit, the same would have been dismissed on the ground of delay and laches. No Court or Tribunal can come to the assistance of a person who slumbers over his legal right. Moreover, in the present case, we find no merit whatever. There is nothing in the ~~Deets~~ ^{rules} which make it obligatory on the part of the employer to offer any employment to the Apprentices on completion of training, nor is it mandatory on the part of the employer to offer any particular grade in case they decide to offer any employment to such Apprentices. The applicant has made very vague submissions regarding discrimination without laying any foundation whatever for such an allegation. Lastly, the pathetic attempt made by the applicant to seek benefit of the decisions of the Calcutta Bench of the Tribunal in T.A. No. 1246 & 1361 of 1986 or of the Allahabad Bench of the Tribunal in O.A. No. 951 & 810 of 1989 is like the effort of a drowning man to clutch

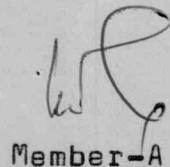
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at a straw. The decisions in these cases are with regard to the pay scale of Grinders on entirely different considerations and have no relation whatever to the case of the applicant.

6. The application has no merit whatever and it also suffers from laches and delay. The application is therefore, dismissed. As the application is totally frivolous, we award to the respondents, Rs. 500/- as costs.


Member-J


Member-A

/jw/