

Prasant Kumar Sahoo Applicant
Versus
Union of India & Ors. Respondents

1. Order dated 09.04.2009.

C O R A M

THE HON'BLE MR.C.R.MOHAPATRA, MEMBER (A)

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Heard Mr.S.Prusty, Learned Counsel for the Applicant and Mr. S.K.Ojha, Learned Standing Counsel for the Respondents/Railways. Also perused the pleadings and the materials placed in support thereof.

It is the contention of the Applicant that vide Annexure-A/1 applications were invited by the Chief Workshop Manager, CRW, ECoRly, Mancheswar, Bhubaneswar for engagement of Act Apprentices under Apprentices Act, 1961 and Apprenticeship Rule, 1962 in various trades. As per the said notification, there were forty candidates ~~were~~ to be engaged under the Apprentices Act. According to the Applicant, he belongs to OBC community and out of 4 advertised vacancies of 'Sheet Metal Worker' ^{one} ~~was~~ vacancy was earmarked for 'OBC' candidate. It is contended by the Learned Counsel for the Applicant that although the Applicant appeared at the written test ~~only~~ results in respect of 22 candidates, in stead of all the 40 vacancies were ^{published}. Representation submitted by the Applicant did not yield any fruitful result; he has approached this

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Tribunal seeking direction to the Respondents to publish the result/merit list of 40 candidates specifying the reservation category for total 9 trades and by way of interim relief, he has sought direction to keep one post of Sheet Metal Worker meant for 'OBC' candidate reserved till the disposal of this OA.

So far as issuance of interim order is concerned, it may be recorded that I am not inclined to grant any such direction as an interim measure as it is seen that there is only one post meant for OBC category in Sheet Metal worker trade which has to be filled up in terms of notice at Annexure-A/1. Besides that, it is not known as to whether the applicant has at all been qualified in the said trade test.

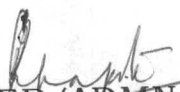
Similarly, it is seen that the applicant has already submitted a representation under Annexure-A/2 dated 24.1.2009 making a prayer to publish the merit list of 40 candidates specifying the reservation category for total 9 trades. This prayer is of no help to the applicant; as he is only concerned as far as result in regard to 'Sheet Metal Worker' trade is concerned and he being an OBC candidate⁴ and there being only one post he may legitimately expect the result in regard to this particular trade^{alone} under OBC category. However, it has been submitted by the Learned Counsel for the Applicant that liberty may be granted to the Applicant to submit a representation afresh by pin-pointing his request for publication of the result of the test; for which the applicant was a candidate and had appeared at the written test and the Respondents may

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be directed to consider the same within a reasonable time. This was fairly conceded by the Learned Standing Counsel for the Respondents.

In view of the above this Original Application is disposed of at this admission stage with observation that in case the applicant makes a fresh representation before the concerned authorities/Respondents making a specific request for publication of the result of the trade test of 'Sheet Metal Worker' within a period of 7 (Seven) days the same may be considered and disposed of (with a reasoned order) by the Respondents within a period of 15 days of receipt of such representation and communicate the result thereof to the Applicant.

Send copies of this order along with OA to the Respondents and free copies of this order be given to Learned Counsel for both sides.


MEMBER (ADMN.)