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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR,**

ORIGINAL APPLICATION NO. 219/2004

Date of Decision: 24.09.04

HON'BLE Mr. G.R. PATWARDHAN, Administrative Member,

Firoz Khan S/o Abdul Wahid Khan, aged 35 years, R/o 138-139,
Rameshwar Nagar, Basni, Jodhpur (Raj.)

....APPLICANT

[Mr. K.K. Shah, Counsel for the applicant]

VERSUS

1. Union of India through the Secretary, Ministry of Railways, Rail Bhawan, New Delhi.
2. The General Manager, North-West Railway, Jaipur.
3. Divisional Railway Manager, North West Railway, Jodhpur.
4. The Chief Work Shop Manager, North-West Railway, Jodhpur.

.....RESPONDENTS

ORDER

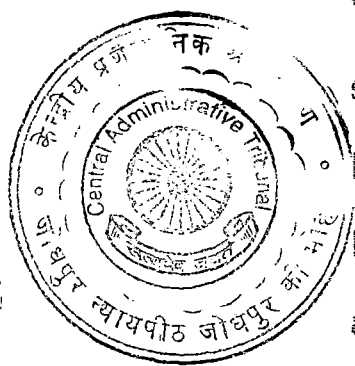
Per Mr. G.R. PATWARDHAN, Member (A)

Briefly stated the facts of the case are as follows:-

The applicant Firoz Khan, claims that he is a diploma holder in mechanical branch having passed the examination from the Government Polytechnic, Jodhpur with Roll No. 31205 and a Certificate to that effect issued on 28.7.1992 with Enrolment No. 88/2475 filed at Annex. A/1. It is further maintained that the applicant belongs to OBC category who has completed training under the Apprentice Act, 1961 held at Basic Training Centre at Northern Railway Workshop, Jodhpur, a Certificate to which effect has been issued vide a copy placed at Annex. A/3 under the signature of Works Manager (M&P). It is the grievance of the applicant that although in the year 1999, Railway Board issued a Notification for appointment of trained apprentices as substitute to group 'D' employees and the applicant though



belonging to the eligible category applied for the same, could not get his application entertained and subsequently, came to know that it was because he was a diploma holder and thus possessed more than the required qualification. According to the applicant, respondent No. 1 the Ministry of Railways, through the General Manager, N.W. Railway, Jaipur the Divisional Railway Manager, Railway, Jodhpur and the Chief Workshop Manager, N.W. Railway, respondents No. 2, 3, and 4 have issued a letter to all concerned on 21.6.2004 clarifying that those completing apprentices Act courses can be engaged as substitutes in Group 'D' subject to fulfilment of the extant instructions prescribed for such engagement and that as per this clarification, the applicant has again approached respondent No. 4 the Chief Workshop Manager, Jodhpur with a request for appointment as a substitute and he apprehends that he will not be allowed to apply in the appropriate form and therefore the Tribunal should issue necessary direction to the respondent No. 4 not to reject the application form of the applicant for possessing higher qualification.



2. Paragraph 8 of the relief clause runs as follows and may be quoted in detail:-

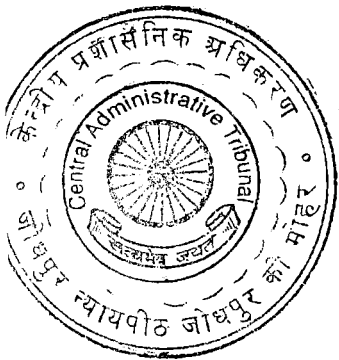
"8. The applicant most respectfully prays that an appropriate order or direction may please be issued to the respondents not to reject the application form of the petitioner on being more qualified. It is, further prayed that respondents may please be directed to consider the application of the applicant alongwith others. He further prays that cost may please be awarded to the applicant."

3. The matter was taken up earlier on 14.9.2004 when after hearing Mr. K.K. Shah, learned counsel for the applicant, the Tribunal desired that the fact of passing the N.C.T.V examination

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by the applicant may be confirmed and time was allowed till 17.9.2004. On 17.9.2004 also further time was sought and the matter was adjourned to 24.9.2004.

4. Today, when the case was called Mr. K.K. shah, learned counsel For the applicant submitted that the certificates are being issued by the concerned authorities in their usual matter and on his inquiry it is learnt that the respondent-railways have obtained about 44 certificates of the apprentices who completed the training after passing the course from the ITI but, no certificate has been sent for those who have passed their diploma and as such, in view of little time left with the authorities, it would be appropriate that the respondents are directed to consider the case of h-is client. An affidavit has been filed to that effect by the applicant, which is taken on record.



5. Considering that prima facie the applicant appears to be qualified as a diploma holder and an affidavit has been filed in support of his having completed and passed the examination of N.C.T.V., the ends of justice would be met if the respondents No. 3 and 4 are directed to consider the candidature of the applicant as a qualified candidate and allow him to appear in the interview which is proposed to be held shortly, subject to his fulfilling other departmental regulations. With this direction, the application is disposed of.

— S R —
(G.R. PATWARDHAN)
MEMBER(A)

jrm/lalit

Recd. copy.
27/9/07

Copy of order of 24/9/04

with petition copy 30000

R-20R-4, No. 240

To 243 at 279-04

R-223, Copy of order Serial 25 per A.D.

Recd.

[Signature]

Part II and III destroyed
in my presence on 30/10/2013
under the supervision of

section officer per
order dated 18/10/2013

[Signature]
Section officer (Record) 30.10.2013