

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A./712/1997

Present : Hon'ble Mr.D.Purkayastha, Judicial Member

Hon'ble Mr.G.S.Maingi, Administrative Member

1. Shri Tarit Kumar Ash, aged about 31 years, S/O K.K. Ash, residing at Vill. - Uttar Jagacha, P.O.-G.I.P. Colony, Dist. - Howrah - 711321.
2. Shri Tapan Porel, aged about 30 years, S/O Late Gopal Porel, residing at 19 A, Halderpara, 1st bue-lane, Howrah - 711 104.
3. Shri Susanta Sarkar, aged about 30 years, S/O S.Ch. Sarkar, residing at Lichubagan, Satashi, P.O. - G.I.P. Colony, Dist. - Howrah - 711321.
4. Shri Mahadev Ghosh, aged about 29 years, S/O M. Ghosh, residing at Prasasta Sardarpara. P.O. & Vill. - Prasasta, P.S.- Domjur, Dist. - Howrah.

.... All are unemployed youths.

... Applicants

-Versus-

1. Union of India, through the Secretary, Department of Urban Development, Govt. of India, Nirman Bhavan, New Delhi - 110 011.
2. Director, Directorate of Printing, 'B' -Wing, Nirman Bhavan, New Delhi - 110011.
3. The Manager, Govt. of India Press, Publication Unit, Santragachi, Howrah.
4. The Works Manager, Govt. of India Press (Forms), and Publication Unit), Santragachi, Howrah.
5. District Employment Officer, Employment Exchange, Howrah.

... Respondents

For the applicant(s) : Mr. M.K. Bandhyopadhyay, counsel

For the respondents : Ms. B. Ray, counsel

Heard on : 13.6.2000

Order on: 13.6.2000

O R D E R

D.Purkayastha, J.M. :-

In this application applicants have sought for direction upon the respondent No.2, i.e. the Works Manager, Govt. of India Press (Forms & Publication Unit), Santragachi, Howrah to call for the names of the Trade Test Passed Apprentices from the Employment Exchange including the names of the applicants for the purpose of

Contd...p/2

appearing before the appointing/recruiting authority and giving appointment to the applicants. Applicants have also sought for direction upon the respondent No.3, i.e. the District Employment Officer, Employment Exchange, Howrah to recommend and send the names of the applicants, as Trade Test passed Apprentices to the respondents No.2 for the purpose of giving appointment to the applicants as Binder, Line M/C Operator, Machineman, etc. in the said Govt. of India Press, Santragachi, Howrah against the vacant posts created there. They have also sought for direction upon the respondent No.2 i.e. the General Manager, Govt. of India Press, Santragachi, Howrah to give appointment to the applicants, for the posts of Binder, M/C Operator, Machineman after considering the candidature of the applicants having duly passed the Trade Apprenticeship training for the said vacant posts being the eligible and duly qualified candidates. It is stated by the applicants that on the basis of a Contract between the individual applicant and the Works Manager, Govt. of India Press, Santragachi, Howrah applications were taken in as apprentices. Thereafter, applicants were engaged by the Asstt. Manager, Govt. of India Press, Santragachi as a full term Apprentice for 2/3 years in the said press in the trade of Book Binder. It is further stated by the applicants that after completion of training as apprentice as aforesaid, the applicants appeared in the apprentices final test, conducted by the office of the Regional Central Apprenticeship Advisor at Calcutta and all of them came out successful in the said final test and got National Apprenticeship Certificates (Annexure 'A-2' to the application). Thereafter, the respondents asked the applicants to register their names in the local Employment Exchange for the purpose of getting jobs in the said Press as and when vacancy would take place and accordingly applicants registered their names within the local Employment Exchange. Thereafter, applicants had been waiting for a job in the said Govt. of India Press for years together and they were in close contact with the officials of the said Press. In November, 1995 on enquiry from the local Employment Exchange they came to know that some trade apprentices were called for as Assistant

of which qualifications etc. prescribed therein; hence the applicants are entitled to be considered for appointment as Book Binder.

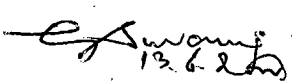
4. Ms. B. Ray, ld. counsel appearing on behalf of the respondents contended that vacancy arose in the year 1994 and Recruitment Rule has been amended in the year 1993. Since the Recruitment Rule has been amended; therefore, applicants would be guided by the amended Recruitment Rule 1993 instead of Recruitment Rule of 1987.

5. Mr. M. K. Bandhyopadhyay, ld. counsel for the applicants referred a judgement of this Bench passed on 22.4.1998 in O.A. No. 413 of 1996 and submits that similar question of law and facts have been considered by the Hon'ble Tribunal in the said judgement. Therefore, respondents are bound to consider the case of the applicants in the light of the judgement passed in O.A. No. 413 of 1996 on 22.4.1998 in the case of Sri Prasanta Bhattacharjee -Vs- Union of India & Ors.

6. We have considered the submissions of ld. counsels of both the parties and we have gone through the records. We have also perused the Recruitment Rule ^{of} 1987 and 1993. We find that the Recruitment Rule 1993 came into force in supersession of the earlier Recruitment Rule of 1987. We find that the said Recruitment Rule 1993 known as Govt. of India Press Rules Recruitment Rule, 1993 came in to force with effect from 14.9.1993. Clause 6 of the said Recruitment Rule 1993 deals with the power of relaxation where it is stated that "where the Central Government is of the opinion that it is necessary or expedient so to do, ~~It~~ may by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons". We find that as per Recruitment Rule 1993 the age limit in the case of Book Binder was 18 to 27 years. But as per previous Recruitment Rule the age limit was 18 to 30 years. Applicants have been aggrieved by the new Recruitment Rule. We have gone through the judgement passed by this Tribunal dated 22.4.1998 as referred to by the ld. counsel

on behalf of the applicants. We are of the view that applicants ought to have been considered by the respondents for the purpose of absorption as Book Binder, since they have completed Apprenticeship Training under the Apprenticeship Act, 1961 and they have obtained Apprenticeship Certificate in this regard. ^{Prior to 1993} So, applicants have legitimate grievance in this case.

7. In view of the aforesaid facts and circumstances of the case we direct the respondents to consider the representations of the applicants treating this application as a part of the representation as per provisions of the Clause 6 of the Recruitment Rule, 1993 for the purpose of inviting them to appear in the Selection Test for appointment of Book Binder. We are also of the view that if relaxation is permissible under the Rules; then, respondents should consider the case of the applicants for the purpose of appointment as Book Binder in the light of the judgement passed by this Tribunal dated 22.4.1998. With this observation we dispose of this application awarding no costs.


G.S. MAINGI
MEMBER (A)


D. PURKAYASTHA
MEMBER (J)

a.m.