

**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH**

**Original Application No. 485 of 2012**

with connected O.A. Nos.

468/12, 493/12, 494/12, 495/12, 496/12, 497/12, 501/12, 502/12, 503/12,  
511/12, 517/12, 518/12, 551/12, 558/12, 591/12, 599/12, 689/12, 690/12,  
705/12, 706/12, 707/12, 708/12, 709/12, 710/12, 726/12, 728/12, 729/12,  
766/11, 767/11, 733/12

MONDAY, this the 10<sup>th</sup> of September, 2012

**CORAM:**

**HON'BLE Mr. JUSTICE P.R. RAMAN, JUDICIAL MEMBER  
HON'BLE Mr. K.GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

**1. O.A. No. 485/2012**

Sijimon C.B, S/o. C.K. Balakrishnan,  
Residing at Chilambasserin House,  
Palluruthy (P.O), Perumbadappu,  
Kochi – 682 006.

- Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

**1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.**

**2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi – 682 004.**

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**2. O.A. No. 468/2012**

Sreekumar K, S/o. C.N. Vidyadharan,  
Residing permanently at Kalapurakal House,  
Nettoor (P.O), Kochi – 682 040.

- Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**3. O.A. No. 493/2012**

M.J. Varghese, S/o. Late Joseph M.D, Muthiraparambil House, Poonithura (P.O), Champakkara – 682 038. - Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**4. O.A. No. 494/2012**

M.B. Anil Kumar, S/o. Bhaskaran Nair, Residing at Mathemvelil House, Maruthorvattom (P.O), Cherthala, Alappuzha – 688 539. - Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**5. O.A. No. 495/2012**

Anish Kunjappan, S/o. Kunjappan, Residing at Pothanattil House, Mannathur (P.O), Ernakulam – 636 667. - Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**6. O.A. No. 496/2012**

Binu K., S/o. C. Velayudhan, Residing at House No. 35/477, Muthuruthiparambu, Mamangalam, Palarivattom (P.O), Kochi – 682 025. - Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**7. O.A. No. 497/2012**

Geo Paul, S/o. K.C. Paul,  
Kallumkal House,  
Kadhilikkadu (P.O), Thekkummala,  
Vazhakkulam – 686 670.

- Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**8. O.A. No. 501/2012**

Joseph K.V., S/o. Varghese K.J.  
Koikkaramparambil House,  
Perumanoor (P.O), Kurishypally Road,  
Kochi – 682 015.

- Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**9. O.A. No. 502/2012**

Pratheesh E.S, S/o. Sasi E.K,  
Residing at Ellathuthandel House,  
Anicadu, Avoly (P.O),  
Muvattupuzha – 686 677. - Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**10. O.A. No. 503/2012**

- 1 Padmachandran. R, S/o. Late S. Raju,  
Residing at Raju House, II/413, Udaya Nagar,  
Udhayakavala, Kureekad (P.O),  
Ernakulam – 682 305.

2 Shanil T.M, S/o. Mukundan T.M,  
Residing at Thrikkassery House,  
Vellanchira (P.O), Thazhekkad Via,  
Trichur – 680 697.

3 Prasanth K. Mohandas, S/o. Mohandas,  
Residing at Kattoor Vadakkumuri,  
Vazhakkazha (P.O), Trichur – 680 702. - Applicants

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**11. O.A. No. 511/2012**

Rajan C., S/o. Late M.V. Chellayan,  
Ananda Bhavan, Kanakulam,  
Uchakkada (P.O), Trivandrum – 695 506. - Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**12. O.A. No. 517/2012**

Sreejith M.C., S/o. Late Chandrashekharan,  
Ex-Naval Apprentice,  
Residing at Moothedath House,  
Thuravumkara (P.O), Kanjoor,  
Ernakulam – 683 575.

- Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**13. O.A. No. 518/2012**

T.N. Udayakumar,  
S/o. Late T.K. Narayana Menon,  
Residing at Thacheril House,  
Ochanthuruth (P.O), Kochi .

- Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Kochi – 682 004.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**14. O.A. No. 551/2012**

Roopesh P.R,  
S/o. Pulickal Ramakrishnan,  
Palissery Desom, Aratupuzha (P.O),  
Kalur Thekkumur Village,  
Thrissur.

- Applicant

(By Advocate Mr. M.R. U. Balagangadharan)

**Versus**

1. The Staff Officer,  
Civilian Personnel & Administrative Grade III  
Headquarters, Southern Naval Command,  
Cochin – 682 004.

2 The Flag Officer Commanding-in-Chief,  
Headquarters, Southern Naval Command,  
Cochin – 682 004.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**15. O.A. No. 558/2012**

1 Johnson George, S/o. George,  
Ex-Naval Apprentice,  
Residing at Road Villa Puthen Veedu,  
Pazhangalam, Nallila (P.O), Kollam – 691 515.

2 Yohannan. Y., S/o. Late S. Rajappan  
Residing at TC 47/973, Manalpuram Veedu,  
Poonthura (P.O), Trivandrum – 695 026.

- Applicants

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Kochi – 682 004.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**16. O.A. 591/2012**

Rajesh. B, S/o. Bhaskaran  
Ex-Naval Apprentice,  
Residing at Pezhuvila Veedu,  
Altharamoodu, Kadakkal (P.O),  
Kollam – 691 536.

- Applicants

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence, New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command, Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Kochi – 682 004.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**17. O.A. No. 599/2012**

P.J. Sabu, S/o. P.A. Jose,  
Residing at Payyappally House,  
Elenthikkara (P.O), Near Vanitha  
Co-operative Bank, Ernakulam District.

- Applicant

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
 Headquarters, Southern Naval Command,  
 Kochi – 682 004. - Respondents  
 (By Advocate Mr. Sunil Jacob Jose, SCGSC)

**18. O.A. No. 689/2012**

Satheesh Subramanian,  
 S/o. Subramanian,  
 Ex-Naval Apprentice,  
 Residing at Cheriyapilly House,  
 Karukutty (P.O), Ernakulam District. - Applicant  
 (By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
 Secretary to Government of India,  
 Ministry of Defence, New Delhi – 110 001.  
 2. The Flag Officer Commanding-in-Chief,  
 Southern Naval Command,  
 Kochi – 682 004.  
 3. The Chief Staff Officer (P&A),  
 Headquarters, Southern Naval Command,  
 Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**19. O.A. No. 690/2012**

Anilkumar T.K, S/o. T.V. Krishnan,  
 Ex-Naval Apprentice, Residing at  
 Thazhathuveedu, Thrikkalathur (P.O),  
 Muvattupuzha, Ernakulam – 683 541. - Applicant  
 (By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
 Secretary to Government of India,  
 Ministry of Defence,  
 New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**20. O.A. 705/2012**

K.R. Sudheer, S/o. Raghavan,  
Kalappurakkal House,  
Nettur (P.O), Kochi – 682 040. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Naval Base, Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Naval Base, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**21. O.A. No. 706/2012**

K.J. Martin, S/o. John,  
Kavungal House,  
Nettoor (P.O), Kochi – 682 040. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. *The Flag Officer Commanding-in-Chief, Southern Naval Command, Naval Base, Kochi – 682 004.*

3. *The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi – 682 004.* - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**22. O.A. No. 707/2012**

C.P. Sivadas, S/o. Padmanabhan Nair, Cholikkakathu House, Pallipuram (P.O), Cherthala – 688 541. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. *Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.*

2. *The Flag Officer Commanding-in-Chief, Southern Naval Command, Naval Base, Kochi – 682 004.*

3. *The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi – 682 004.* - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**23. O.A. No. 708/2012**

Prasad John, S/o. John, Thannikapilli House, S.H Mount (P.O), Kottayam. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. *Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.*

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Naval Base, Kochi – 682 004.
3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Naval Base, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**24. O.A. No. 709/2012**

S. Sunil, S/o. Sreeranganathan,  
Chalil Puthenvila Veedu,  
Thachode, Muttapalam (P.O),  
Varkala – 686 510. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Naval Base, Kochi – 682 004.
3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Naval Base, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**25. O.A. No. 710/2012**

Biju Jacob, S/o. Jacob,  
Enjackal House, Maikad (P.O),  
Kariyad, Nedumbassery – 683 589. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Naval Base, Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Naval Base, Kochi – 682 004. - Respondents  
(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**26. O.A. No. 726/2012**

Saleesh P.R., S/o. Ramakrishnan,  
Panattil House, Madaikonam (P.O),  
Thrissur District – 680 712. - Applicant  
(By Advocate Mr. P.A. Kumaran)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
Southern Naval Command,  
Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
Headquarters, Southern Naval Command,  
Kochi – 682 004. - Respondents  
(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**27. O.A. No. 728/2012**

M. Aneesh, S/o. Muraleedharan Nair,  
'Vaishakam', Pollathai (P.O),  
Mararikulam South,  
Alappuzha District – 688 567. - Applicant  
(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the  
Secretary to Government of India,  
Ministry of Defence,  
New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Naval Base, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**28. O.A. No. 729/2012**

P.B. Augustine, S/o. Berly, Puthenveetttil, Moolamkuzhy, Mundanvely, Ernakulam – 682 507. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Naval Base, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**29. O.A. 766/2011**

- 1 P.C. Praveen Kumar, S/o. Chakkaran, Puthuvalaparambil House, Panambukad, Vallarpadam (P.O), Ernakulam District – 682 031.
- 2 M.V. Saneeshkumar, S/o. Velayudhan Madathilkudi House, Pancode (P.O), Ernakulam – 682 310.

3 K.K. Sanalkumar, S/o. Kuttappan,  
Kuzhimundiyl House,  
Pattimattom (P.O), Kummanode,  
Ernakulam – 683 562. - Applicants

(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Naval Base, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

**30. O.A. No. 767/2011**

Manoj K, S/o. Dasan,  
Chembondavida House,  
Paral (P.O), Thalassery,  
Kannur – 670 671. - Applicant

(By Advocate Mr. T.A. Rajan)

**Versus**

1. Union of India, represented by the Secretary to Government of India, Ministry of Defence, New Delhi – 110 001.
2. The Flag Officer Commanding-in-Chief, Southern Naval Command, Naval Base, Kochi – 682 004.
3. The Chief Staff Officer (P&A), Headquarters, Southern Naval Command, Naval Base, Kochi – 682 004. - Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

31. O.A. No. 733/2012

1 Jayakumar C.S,  
 S/o. Late Chandrasekhara Panicker,  
 Ex-Naval Apprentice, Residing at  
 Madhavamangalam, Thanneermukkom (P.O),  
 Cherthala, Alappuzha – 688 527.

2 Sonny P.P., S/o. Late P.A. Paul,  
 Ex-Naval Apprentice, Residing at  
 Ponnore House, Mullassery (P.O),  
 Thrissur.

- Applicants

(By Advocate Mr. M.R. Hariraj)

**Versus**

1. Union of India, represented by the  
 Secretary to Government of India,  
 Ministry of Defence,  
 New Delhi – 110 001.

2. The Flag Officer Commanding-in-Chief,  
 Southern Naval Command,  
 Kochi – 682 004.

3. The Chief Staff Officer (P&A),  
 Headquarters, Southern Naval Command,  
 Kochi – 682 004.

- Respondents

(By Advocate Mr. Sunil Jacob Jose, SCGSC)

These applications having been heard on 24.08.2012, the Tribunal on  
10-09-12 delivered the following :

**ORDER**

**HON'BLE Mr. K. GEORGE JOSEPH, ADMINISTRATIVE MEMBER**

These O.As having common facts and common issues were heard together and are disposed of by this common order.

2. The applicants in these O.As are Ex-Naval Apprentices of designated trades who have passed the relevant trade test conducted by the

National Council for Vocational Training. As per the Recruitment Rules, the posts of Tradesman (Skilled) are to be filled 60% by absorption of Ex-Naval Apprentices of designated trades. There are a number of vacancies in various trades under the 2<sup>nd</sup> respondent which are not being filled up. Aggrieved, the applicants have filed these O.As for a direction to the respondents to consider them for absorption in the cadres of various Tradesman (Skilled) in the available vacancies with effect from the date of occurrence of vacancies with all consequential benefits including arrears of pay and allowances with interest.

3. The applicants contended that the inaction on the part of the respondents to fill up the vacancies of Tradesman (Skilled) for various categories is arbitrary, discriminatory and unjust. The respondents have not taken any conscious decision not to fill the vacancies. This Tribunal has held in a catena of orders that age limit will apply only to direct recruitment and not to absorption. The vacancies in a particular cadre have to be filled in as per the rules in force at the time of occurrence of the vacancies. The proposed amendment of the Recruitment Rules is no reason at all for refusal to fill up the vacancies as per the rules in force now. As there is no justification whatsoever in not offering the vacancies available in the quota for absorption to the applicants, they are entitled to be absorbed with effect from the date of occurrence of vacancies with all consequential benefits.

4. The respondents in their reply statement admitted that no age limit for absorption is prescribed in the Recruitment Rules. The Apprentices were being absorbed against the earmarked vacancies without any age restriction.

The Recruitment Rules of Tradesman (Skilled) are under examination for revision and the revised Recruitment Rules are awaited. It shall not be obligatory on the part of the employer to offer any employment to any Apprentice after successful completion of the apprentice training as per Rule 22 of the Apprentices Act, 1961. The applicants cannot be considered for appointment in the available vacancies bypassing their seniors.

5. We have heard Mr. M.R. Hariraj, Mr. T.A. Rajan, Mr. U. Balagangadharan and Mr. P.A Kumaran, learned counsel for the applicants in respective O.As and Mr. Sunil Jacob Jose, learned SCGSC appearing for the respondents and perused the records.

6. This Tribunal has held in a number of cases that age restriction will not apply to the appointment of Ex-Naval Apprentices in the available vacancies. In the instant cases, vacancies exist in different trades under the respondents, but there may not be enough vacancies to accommodate all the applicants. Seniority lists in different trades are available. The applicants cannot be considered for appointment in various trades bypassing their seniors. The applicants do not have an indefeasible right to appointment just because they are Ex-Naval Apprentices who have passed the trade test. There is no merit in the contention of the applicants that they should be absorbed with effect from the date of occurrence of vacancies with all consequential benefits and arrears. In the facts and circumstances of the cases, we are of the considered view that these O.As can be disposed of with a direction to the respondents to consider the applicants for absorption in the available vacancies subject to seniority and their turn in the categories to

which they belong within a period of three months from the date of receipt of a copy of this order.

7. Ordered accordingly. No order as to costs.

(Dated, the 10<sup>th</sup> September, 2012)

*sd/-*  
K GEORGE JOSEPH  
ADMINISTRATIVE MEMBER

*sd/-*  
JUSTICE P.R.RAMAN  
JUDICIAL MEMBER

CVR.