

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH,

LUCKNOW.

ORIGINAL APPLICATION NO. 365 of 2003.

this the 1st day of December'2003.

HON'BLE MR. JUSTICE S.R. SINGH, V.C.

HON'BLE MR. S.P. ARYA, MEMBER(A)

Amit Singh, aged about 28 years, S/o Sri P.N. Singh and 54 others.

Applicants.

By Advocate: Sri Praveen Kumar.

Versus.

1. General Manager, N.R., Barada House, New Delhi.
2. The Dy. Chief Mechanical Engineer, Carriage & Wagon Shop, N.R., Alambagh, Lucknow.
3. Chairman, Railway Recruitment Board, Chandigarh.
4. Chief Works Manager, N.R. Loco Workshop, Charbagh, Lucknow.

Respondents.

By Advocate: Sri N.K. Agrawal.

O R D E R.

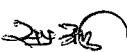
PER JUSTICE S.R. SINGH, V.C.

By means of Employment notice no. 1/03 (Centralised Group 'D') dated 13.6.2003 (Annexure A-1) applications were invited for filling up Group 'D' categories ^{posts} on zonal Railways and Production Unit(s) of Indian Railways. The present application has been instituted basically for issuance of a direction to the respondents to issue a fresh notification clearly stipulating therein that the "Course Completed Act Apprentices" will not be required to appear in the written examination. The case of the applicants is that they have already completed apprentices training under the Apprentices Act, 1961. It has been submitted by Sri Praveen Kumar, learned counsel appearing for the applicants that since the applicants have already completed Apprentices course, therefore, they were not required to appear in the written examination proposed to be held in view of the notification Annexure A-1. The

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learned counsel for the applicants has placed reliance on the decision of the Hon'ble Supreme Court in the case of U.P. State Road Transport Corporation & Another Vs. U.P. Parivahan Nigam Shishukhs Berozgar Sangh & Others (1995) 2 SCC 1). The submission made by the learned counsel for the applicant cannot be accepted. The position has already been explained by the Full Bench of Allahabad High Court in the case of Arvind Gautam Vs. State of U.P. & Others. The legal position is well settled that Apprentice training under the Apprentices Act, 1961 itself does not entitle to get appointment. The advertisement Annexure A-1 clearly stipulates that the selection will be based on written examination followed by physical efficiency test to assess the candidate's physical fitness for the post. It further provides that Railway Recruitment Board reserves the right to conduct second stage examination, if required. The applicants, in our opinion, do not have any vested right to be considered for appointment without participating in the written examination, which is scheduled to be held for recruitment in Group 'D' categories on Zonal Railways and Production Unit(s) of Indian Railways. In the circumstances, the application is devoid of any merit and it is dismissed accordingly at admission stage itself without any order as to costs.

2. It goes without saying that if the applicants have already applied for the post pursuant to the advertisement mentioned above, this order will not preclude ^{them} from participating in the written examination.



MEMBER(A)


VICE CHAIRMAN.

GIRISH/-