

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW**

INDEX SHEET

CAUSE TITLE O.A. 333 OF 1989

NAME OF THE PARTIES Sumil Kumar Singh Applicant

Versus

Union of India & others Respondent

Part A.

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CERTIFICATE

Certified that no further action is required to be taken and that the case is fit for consignment to the record room (decided)

Dated ... 17-6-11

Counter Signed.....

Recheck on 03-2-12

Rejeet

Section Officer/In charge


Signature of the
Dealing Assistant

A7

CENTRAL ADMINISTRATIVE TRIBUNAL, CIRCUIT BENCH, LUCKNOW.

REGISTRATION (O.A.) NOS. 333 AND 336 OF 1989.

Date of Decision 4.10.90.

Sunil Kumar Singh and others. .. Applicants in O.A.No.333/89.
Pawan Kumar and others. .. Applicants in O.A.No.336/89.

/Versus/

Railway Board and others. .. Respondents.

Hon'ble Mr.P.Srinivasan, A.M.

Hon'ble Mr.J.P.Sharma, J.M.

(Delivered by Hon'ble Mr.P.Srinivasan)

Both these applications raise common issues. They were, therefore, heard together and are being disposed of by this common order.

2. The issue for determination in these applications is whether apprentices who undergo training in different trades in a Railway Workshop under the Apprentices Act, 1961 ('Act' for short) have a right to appointment in posts falling under those trades in the Railways as a matter of course and whether the Railways can advertise and select persons under their own employment notices for such posts even though apprentices under the Act are at that time undergoing training in a Railway Workshop?

3. The applicants in both these applications - there are 13 of them - were engaged as apprentices/under the Act in the Railway Workshops under the control of the Deputy Chief Electrical Engineer (Workshop) Northern Railway, Charbagh, Lucknow. Applications for such engagement as apprentices were invited by a notice dated 28-4-1982 modified by another notice dated 25-5-1982. The trades in which the said apprentices were to be trained were those of Fitter, Turner, Electrician, Wiremen, Carpenter, Refrigeration and Air Conditioning Mechanic, Boiler Attendant, Winder, Electrical Rotating Machinery/Armature and one more trade which is not clearly legible from

P. Srinivasan

AO

notice
 the copy of the ~~notification~~ attached to the reply of the respondents.
 The applicants and others applied for such training and were duly selected. Persons so selected were sent for training in the Loco Shop at Charbagh and underwent ~~some~~ training from 28-2-1986 to 27-2-1989. They had to take an All India Trade test under the Act at Lucknow from 21-4-1989 to 28-4-1989. As a result of the training and the test, 15 persons including the 13 applicants herein were declared to have successfully completed the training by an order dated 19-10-1989 issued by the Deputy Chief Electrical Engineer (W) Northern Railway, Charbagh, Lucknow. Meanwhile on 28-9-1988 the said Deputy Chief Electrical Engineer (W), Northern Railway, Charbagh issued an employment notice calling for applications from the sons and near relatives of the employees of the Loco Workshops at Charbagh and Alambagh for appointment after training to 15 posts of skilled workmen Grade-III. The 15 posts were in the following trades:

	Posts
1) Crane Driver.	1
2) T.L.Fitter.	4
3) AC/Fitter/Elec.Fitter	4
4) Armature Winder/Power Winder.	3
5) Wireman (TL)	2
6) Electronic Mechanic	1

Total.	15

In due course, applications were received in response to this employment notice. We are told that six out of the fifteen persons declared as successful in the training under the Act by the order dated 19-10-1989 also applied in response to this employment notice. All the candidates who applied had to take a written examination on 27-11-1988 and on oral examination on 14-3-1989 at the end of which 13 persons were declared successful by a notification dated 26-10-1989 issued by the office of the aforesaid Deputy Chief Electrical Engineer. The applicants challenge the employment notice dated 28-9-1988 and the notification dated 26-10-1989 announcing the names

P. J. ...

of 13 successful candidates for appointment after training in different trades in the Northern Railway at Charbagh and Alambagh Workshops.

4. During the pendency of these applications, 7 persons who were declared successful by the notification dated 26-10-1989 were impleaded as respondents 3 to 10 in addition to two respondents, namely, the Railway Board and the Deputy Chief Electrical Engineer (Workshop) Northern Railway, Lucknow who had already been impleaded in the applications. The 7 additional respondents are among the 13 declared successful in the notification dated 26-10-1989.

5. Sri M.P.Sharma, learned counsel appeared for the applicants. Sri Anil Srivastava, learned counsel appeared for respondents 1 and 2 and Sri Shukla, learned counsel for respondents 3 to 10. They were heard at great length on 16-8-1990. The contention of the applicants is that they were selected for training under the Act against 15 posts in the Workshops at Charbagh and Alambagh and were given training in different trades for eventual appointment. They were all close relatives of Railway Employees. Under the relevant Recruitment Rules, 25 per cent of posts of Skilled Workmen Grade-III were required to be filled in by direct recruitment of persons who had completed training under the Act or who had successfully completed a course in I.T.I. or who were matriculates. The sons and close relatives of Railway Employees were ^{to be} given preference in the matter of appointment. When the applicants were taken for training under the Act there was an understanding that they would be absorbed against 15 posts in different trades which were vacant. There was thus an implied promise on the part of the Railway administration that after successful completion of training under the Act, the applicants would be absorbed in the said 15 posts. However, in breach of the said promise, the respondent/Railway had notified the same 15 posts and had called for applications thereto by their notification dated

P. Shukla

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28-9-1988 and after holding written and oral tests had selected 13 persons for appointment excluding the applicants therefrom. The applicants having been sent for training from 28-2-1986 and having undergone more than 2 years of training when the employment notice was issued had a prior claim over persons who were selected in pursuance of the said employment notice dated 28-9-1988 who, unlike the applicants had not had any training by then. The 13 persons so selected were also sons and close relatives of the Railway officials, but the applicants having been selected for training earlier, should have been offered appointment in preference to those 13 persons. By ignoring the applicants for such appointment, the respondent/Railway had violated Articles 14 and 16 of the Constitution and had practised hostile discrimination against the applicants. It was also alleged on behalf of the applicants that the employment notice dated 28.9.1988 and the consequent selection of 13 persons were made to favour some Railway officials whose children the said 13 persons were.

6. On the other hand, learned counsel for the respondent/Railway as well as the 7 private respondents urged that the applications were devoid of merit. Apprentices engaged for training under the Act were not automatically entitled to absorption in the Railway. They categorically denied that when the applicants and others were selected for training under the Act they were so selected against specific vacancies existing at that time in the Northern Railway. On the other hand, like many other industrial establishments, the Railway Workshops had to train a certain number persons in different trades under the Act with no obligation to absorb the trainees. At the same time, the Railways selected persons from time to time to undergo training for appointment in existing posts of skilled workers. The Railways were entitled to call for applications for ^{appointment of} specified posts after training and to select persons as ^{-trainees} apprentices for the posts

P. J. [Signature]

ALL

to which they would be eventually appointed. For employment as Skilled Workmen Grade III, persons who had completed training under the Act were also eligible to apply in addition to I.T.I qualified persons and matriculates. If persons who had successfully completed the training under the Act were selected in response to such employment notices after ~~passing~~ the required written and oral tests, they would be straightway appointed to posts of Skilled Workmen Grade-III. I.T.I qualified persons selected in response to such employment notices were required to undergo 6 months training before they were appointed as Skilled Workmen Grade-III and matriculates had to undergo three years training. Thus, persons who successfully completed the training under the Act constitute one source of recruitment but it was not as if they alone should be considered for employment and that on completion of ^{such} training they should necessarily be absorbed in the Railways. When the impugned employment notice was issued on 28-9-1988, the applicants had not completed training as apprentices under the Act. But, if they were I.T.I. qualified persons or had passed matriculation, they could also have applied in response to the employment notice. In fact 6 persons who were undergoing apprentice training under the Act at the time did apply in response to the aforesaid employment notice because they had the alternative qualification of having passed matriculation. Out of the said 6 persons 2 were also selected and their names figure in the list of 13 successful candidates announced on 26-10-1989. The applicants had no prior right for appointment to the 15 posts notified in the employment notice dated 28-9-1988. They had either to compete with others if they had ^{the} requisite qualification at the time of recruitment or wait for the next recruitment after they had acquired the necessary qualification. Under the Act, an employer engaging an apprentice is not obliged to absorb him in his service. This was also made clear in the contract of Apprenticeship entered into by the applicants

R. S. [Signature]

A12

with the Railways when they were sent for apprentices training. Thus, there was no promise implied or otherwise to which the respondent/Railways can be held.

7. We have considered the matter very carefully. The Act was enacted "to provide for the regulation and control of training of apprentices and for matters connected therewith". The object of the Act was to give training to as many young men and women as possible in the country in different technical trades so that they could obtain employment in those trades in the different industrial establishments of the country or could set up factories of their own and make a living as self-employed persons. With a view to achieve this purpose, the Act casts an obligation on industrial establishments in the country to give training to a certain number of persons in designated trades and to pay them a stipend during the period of training. The number of persons to be trained in each trade was fixed as a ratio of the number of skilled workers employed in that trade by the establishment. The apprentice or his guardian if he was a minor had to enter into a contract with the industrial establishment described as the employer. The period of training, content of training and other matters were laid down in the Act or were to be prescribed by the authorities under the Act. The minimum qualification, age and other requirements for being selected as an apprentice are also regulated under the Act. Section 22 of the Act reads as follows:-

22. Offer and acceptance of employment. - (1) It shall not be obligatory on the part of the employer to offer any employment to any apprentice who has completed the period of his apprenticeship training in his establishment, nor shall it be obligatory on the part of the apprentice to accept an employment under the employer.

(2) Notwithstanding anything in sub-section (1), where there is a condition in a contract of apprenticeship that the apprentice shall, after the successful completion of the apprenticeship training, serve the employer, the employer shall, on such completion, be bound to offer suitable employment to the apprentice, and the apprentice

[Handwritten signature]

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shall be bound to serve the employer in that capacity for such period and on such remuneration as may be specified in the contract:

Provided that where such period or remuneration is not, in the opinion of the Apprenticeship Adviser, reasonable, he may revise such period or remuneration so as to make it reasonable and the period of remuneration so revised shall be deemed to be the period or remuneration agreed to between the apprentice and the employer."

When we turn to the present case, as already stated, the Northern Railway invited applications for apprentices to be selected for training under the Act by a Notification dated 28-4-1982. We do not see anything in the said notice to say that apprentices to be selected for training thereunder were against specified posts in the Northern Railway. In fact, as we have already mentioned, an industrial establishment is required to train a certain number of persons and this number has no relation to vacancies in the establishment at the time. The number to be trained was fixed in terms of a ratio of 1:7 so far as the Railway Workshops ^{which} were concerned. The respondents have furnished a copy of the contract which the trainees under the Act including the applicants had to sign. Paragraph 5 of the said contract reads: "It shall not be obligatory on the part of the Employer to offer any employment to the apprentice on completion of the period of his apprenticeship training in his establishment, nor shall it be obligatory on the part the apprentice to accept an employment". Thus, neither the notice calling for applications for engagement of apprentices under the Act to which the applicants responded nor the contract of apprenticeship entered into by the applicants with the Northern Railway contains any commitment on the part of the Northern Railway to absorb the applicants after completion of their training in specific posts in the workshops at Charbagh or Alambagh. In the very nature of things, the Act being a legislation for creating a pool of trained persons in different trades in the country as a whole, the training establishment cannot also undertake to absorb

R. S. ...

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all persons which it trains under the said Act, nor can it be prevented from making recruitment to skilled jobs in its workshops according to its own requirements and subject to tests which it considers suitable for the purpose. Since the training given under the Act is in accordance with the directions of the authorities mentioned in the Act, it cannot be assumed that the content of training would automatically fit out the apprentices so trained for specific jobs in the training establishments, in this case the Northern Railway. We are, therefore, satisfied that no automatic right for employment in the Northern Railway accrued to the applicants merely because they were selected for training under the Act and successfully completed such training in the Railway Workshop.

8. It is also clear from what we have stated above, that there was at no time any promise implied or otherwise by the respondent/Railways that they would absorb the applicants and other trainees under the Act in their employment in specified jobs. To repeat what we have said earlier, there was no mention of any posts in the original notice calling for applications against which the persons selected as apprentices would be trained and the contract of apprenticeship clearly repeats the provision in the Act that the employer was under no obligation to provide the apprentices employment in his establishment. The judgment of the Supreme Court in SURYA NARAIN YADAV AND OTHERS v. BIHAR STATE ELECTRICITY BOARD AND OTHERS [1985(2) SLJ 315] relied on behalf of the applicants has no bearing on the facts of the present cases. In Surya Narain Yadav's case there were clear promises repeated in different forms to the petitioners that they would be given regular employment. There was no such promise in this case.

9. Let us now turn to the Rules of the Railway itself regarding the apprentices trained under the Act. ^{('Act apprentices', for short) or} The Rules provide that such

P. S. S. S.

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apprentices would be engaged in Railway workshops other than running sheds, the trainee or his guardian if he is a minor would enter into a contract of apprenticeship with the Railway, the period of training would normally be 3 years and stipend would be paid at the rates prescribed under the Act. "There was no commitment for absorbing any or all the apprentice trainees on successful completion of their training. The extant Rules for the absorption of directly recruited Trade Apprentices will apply on the basis of requirements/vacancies available in the trades". From this it is clear that apart from the Apprentices under the Act the Railways could directly recruit "trade apprentices" for specific posts in its Workshops. Separate Rules are provided in respect of trade apprentices engaged by the Railways as distinguished from Act apprentices. In this context, an apprentice, i.e., a trade apprentice is defined to mean "a person deputed for training in a trade or business with a view to employment in Government service, who draws a stipend at monthly rate from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department". Straightway one notices a distinction between Act apprentices and trade apprentices. Trade apprentices directly recruited by the Railways undergo training for specific posts with a view to employment in the Railways, though in their cases also, "no guarantee or promise of employment can be given to an apprentice. But, on the satisfactory completion of their training the apprentices will be considered for appointment to the post for which they are apprentices subject to the existence of vacancies. They will however, be taken on probation for a period to be specified in each case". Thus, trade apprentices are apprentices for ⁹⁷ particular posts unlike the apprentices under the Act. However, as stated above, the extant rules for the absorption of directly recruited Trade apprentices were also to ⁹⁷ apply to Act

P. S. ...

A16

apprentices on the basis of requirements/vacancies available in the trades. One infers ^{that if} a sufficient number of Trade apprentices directly recruited by the Railways against specific posts do not qualify for appointment in any trade, Act apprentices would be eligible for appointment if they pass the requisite trade test. Turning to the impugned employment notice dated 28-9-1988 it calls for applications for appointment after training for 15 posts of skilled workmen Grade -III in different trades. Unlike the earlier notice calling for applications for apprentice training under the Act to which the applicants responded, this employment notice specifies the posts for which applications are invited. The notice further states that persons who have completed training under the Act or are I.T.I qualified or matriculates could apply and the period of training would be nil for the first category, 6 months for the second and 3 years for third category. It is clear from this that recruitment for specific posts was being made and Act apprentices were also eligible for appointment. As stated earlier, Act apprentices then undergoing training did indeed apply because even though they had not completed the training under the ^M Act to become eligible when the employment notice was issued, they had an alternative qualification. Thus, apprentices who had completed training under the Act were also eligible to apply in response to the employment notice and if they had not completed such training by the time, they could still apply if they had one of the other alternative qualifications. Obviously, except 6 persons who were undergoing apprentice training under the Act at the time none of the others including the 13 applicants before us responded to the employment notice dated 28-9-1988 because they did not at that time possess the necessary eligibility qualification. That being so, they cannot complain against the selections made in pursuance of the said employment notice. There is no discrimination under Articles 14 and 16 of the Constitution involved here. The

P. S. S. S.

A17

notice dated 28-9-1988 was issued by the Railways for recruitment of persons to specific posts in its Workshop. Act apprentices still under training at the time were not eligible for appointment merely because they were under training unless they possessed any of the alternative qualifications. Even such Act apprentices who completed training had to apply along with others and pass the qualifying test prescribed by the Railway. A person undergoing training under the Act is similar to a person who undergoes an engineering course and acquires a degree at the end, the only difference being that the training under the Act is given in different industrial establishments which have jobs while engineering courses are conducted by colleges where there are no opportunities for employing working engineers. A person who undergoes training under the Act merely acquires a qualification at the end of the training on the basis of which he may apply for a job either in the establishment in which he obtains the training or elsewhere. If he applies for a post in the establishment in which he completed training, he may still have to undergo written and oral tests which his employer thinks fit to hold along with others and he has no pre-emptive right of appointment to any post in the establishment of the employer. Therefore, if he is not automatically selected for appointment to a post in the employer's establishment at the end of his training and even more so while still under training as in this case, there is no element of arbitrariness on the part of the employer and no discrimination involved. The Railways are also not obliged to keep posts vacant till its Act apprentices complete their training. The Railways are likely to issue employment notices for further posts of skilled workmen in future and the applicants now being fully qualified under the Act can apply for such posts and if they successfully clear the written and oral tests, they may hope to obtain employment.

P. S. ...

A18

10. In view of the above, we are of the opinion, that the applications are devoid of merit. We dismiss the applications leaving the parties to bear their own costs.

P. J. ...
MEMBER(A)

Jomacee
4-10-90 MEMBER(J)

Jh. Jomacee in open court by me.

Jomacee

4-10-90 *Jh.*

CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH, LUCKNOW

Central Administrative Tribunal
Circuit Bench, Lucknow
Date of Filing: 5/12/89
Date of Admission: 5/12/89

Registration No. 333 of 1989(L)

Deputy Registrar(J)

APPLICANT(S) Savitri Kaur Singh

RESPONDENT(S) Union of India & others.

A1

<u>Particulars to be examined</u>	<u>Endorsement as to result of examination</u>
1. Is the appeal competent ?	Yes
2. a) Is the application in the prescribed form ?	Yes
b) Is the application in paper book form ?	Yes
c) Have six complete sets of the application been filed ?	3 sets filed
3. a) Is the appeal in time ?	Yes
b) If not, by how many days it is beyond time?	-
c) Has sufficient case for not making the application in time, been filed?	-
4. Has the document of authorisation/ Vakalatnama been filed ?	Yes
5. Is the application accompanied by B.D./postal Order for Rs.50/-	Yes
6. Has the certified copy/copies of the order(s) against which the application is made been filed?	Yes
7. a) Have the copies of the documents/relied upon by the applicant and mentioned in the application, been filed ?	Yes
b) Have the documents referred to in (a) above duly attested by a Gazetted Officer and numbered accordingly ?	-
c) Are the documents referred to in (a) above neatly typed in double space ?	Yes
8. Has the index of documents been filed and pagging done properly ?	Yes
9. Have the chronological details of representation made and the outcome of such representation been indicated in the application?	Yes
10. Is the matter raised in the application pending before any court of Law or any other Bench of Tribunal?	-

Steps Filed Today
5/12/89

<u>Particulars to be Examined</u>	<u>Endorsement as to result of examination</u>
Application and application/duplicate copy/spare copies signed?	Yes
12. Are extra copies of the application with Annexures filed?	—
a) Identical with the Original?	Yes
b) Defective?	—
c) Wanting in Annexures	—
Nos. _____ processes _____?	—
13. Have the file size envelopes bearing full addresses of the respondents been filed?	—
14. Are the given address the registered address?	—
15. Do the names of the parties stated in the copies tally with those indicated in the application?	Yes
16. Are the translations certified to be true or supported by an Affidavit affirming that they are true?	—
17. Are the facts of the case mentioned in item no. 6 of the application?	Yes
a) Concise?	Yes
b) Under distinct heads?	Yes
c) Numbered consecutively?	Yes
d) Typed in double space on one side of the paper?	Yes
18. Have the particulars for interim order prayed for indicated with reasons?	Yes
19. Whether all the remedies have been exhausted.	Yes

A2

dinesh

order and date	Brief Order, Mentioning Reference if necessary	How complied with and date of compliance
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6.12.89

Hon'ble Justice K. Nath, V.C.
Hon'ble Mr. K.J. Raman, A.M.

Admit.

Issue notice to opposite parties to file reply within four weeks to which the applicant may file rejoinder within two weeks thereafter.

In the matter of interim relief issue notice and list for orders on 20.12.1989. Till then the opposite parties, if they at all make appointments on the posts unfilled which may have to be considered for the benefit of the applicants in the ultimate result of this case. A copy of the order may be delivered to the learned counsel for the applicant today.

A.M. V.C.

erm/

Hon' Mr. Justice Kamleshwar Nath, V.C.
Hon' Mr. K. Obayya, A.M.

20/12/89

For orders vide our orders passed in O.A. No. 336 of 89(L) dt. 20/12/89, on the order sheet

A.M. V.C.

Hon' Mr Justice Kamleshwar Nath, V.C.
Hon' Mr. K. Obayya, A.M.

5/1/90

C.M.A. No. 358/89 was filed in this case for impleading 8 persons Aswani Sharma and others. The impleadment was allowed on 20-12-89, but the order was recorded in the order sheet of O.A. No.336/89. A copy of that order sheet be placed on the record of this case. The amendment to make the impleadment have not yet been incorporated; The learned counsel for the applicant may incorporate the amendment within three days. The applicant has filed a CMA No.9/90 for impleadment of Union of India as Op.Ps.No.11. The impleadment is formal and is allowed. This will also be incorporated along with the earlier amendment. Shri Anil Srivastava says that he takes notice on behalf of Union of India as well.

Dinesh/

A.M.

V.C.

(sns)

See original order on main petition

Revised by Sr. Dhan 7/12/89
Dhan 7/12/89
14/12/89

OR
Copy of Petition with order of 6-12-89 has been received by Sr. Dhan T. Asst. Supdt. Comm. Secy. Exp. (w) Cl. on 11/12/89.

No reply filed submitted for order

14/12

Order-sheet

AS

OA No. 333/89(L)

28.2.90 Hon. Justice K. Nair, v.c.
Hon. K. J. Raman, A.M.

Dr. A. Sivastare, learned counsel for the respondents, prays for a further opportunity to file a counter affidavit. We noticed that the applicant has not yet incorporated the amendments granted on C.M. Application No. 358 of 1989(L) to implead eight persons named therein. The learned counsel for the applicant undertakes to incorporate the amendments within a week's time. Counter affidavits may be filed within three weeks hereof. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List for further orders on

28.2.90.

[Signature]
A.M.

[Signature]

v.c.

Amendments have been incorporated before me. Now, the case may well be listed before Hon'ble Cmr, as per order dt. 28.2.1990, on 28th March 1990.

[Signature]
H. 21.3.90

28-3-90

no sitting Adj. to 5-7-90

5-7-90

no sitting Adj. to

25/7/90

Hon'ble Mr. Justice K. Nair v.c.
K. obayya, A.M.

Applicant's counsel files R.A. copy of which has been delivered to the respondents' counsel. List for final hearing on 13.8.90.

OK Amendment has been incorporated.

M.P. 205/90(L) & 206/90(L) for vacation of stay & preliminary objections has been filed in OA 333/89(L)

M.P. 207/90(L) & M.P. 208/90(L) for vacation of stay & P. objection has been filed in OA 333/89(L)

(A.M.)

[Signature]
(v.c.)

S.P.H.
0/0

CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH, LUCKNOW.

O.A. NO. 333/89 19 (L)

T.A. NO. CW 19 (T)

336/89

DATE OF DECISION 4.10. 1990

S. Swami Kisan Singh & others PETITIONER

S. Dewan Kisan Singh & others

~~S. M. P. Sharma~~

S. M. P. Sharma

Advocate for the
Petitioner (S)

VERSUS

Rly Board & others

RESPONDENT

S. Anil Srivastava Adv.

S. L. P. Shukla Adv.

Advocate for the
Respondent (S)

CORAM :

The Hon'ble Mr. Honbl. Mr. P. Sri Anand Vasari AM

The Hon'ble Mr. Honbl. Mr. J. P. Sharma J.M.

1. Whether Reporters of local papers may be allowed to see the Judgement ? Y
2. To be referred to the Reporters or not ? Y
3. Whether their Lordship wish to see the fair copy of the Judgement ? N
4. Whether to be circulated to other Benches ? NO

JUDL. MEMBER. J.P. Sharma

ADM. MEMBER.

MS/

A/S

TELE ADDL: "SUPREMECO"ND

D. NO. 1550/91/xi
SUPREME COURT OF INDIA
DATED: 8th August, 1991

From

THE REGISTRAR
SUPREME COURT OF INDIA
NEW DELHI.

To

✓ THE DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL,
ALLAHABAD. CERCUIT BENCH, LUCKNOW.

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3889-90 OF 1991
(Petition under Article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Judgment
and Order dated 4.10.90 of the Central Administrative
Tribunal, Allahabad (Lucknow
in O.A.Nos.333 and 336 of 1989))

Sunil Kumar Singh & Ors.

... PETITIONER(S)

VERSUS

Rly. Bd. the Gen. Mang. N. Raly & Anr.

... RESPONDENT(S)

Sir,

I am to inform you that the Petition above mentioned
for Special Leave to Appeal to this Court was filed on behalf
of the Petitioner above named from the Judgment and Order of
the Central Administrative Tribunal, Allahabad noted above and
that the same was dismissed by this Court on the 5th
day of August, 1991.

Yours faithfully,

[Signature]
for REGISTRAR

kc/xi

[Handwritten notes and stamps]
23/8/91
R. No 510/91
SO
DR
23/8/91
SO
23/8/91
SO

A20

TELE ADDL: "SUPREMECO"ND

D. NO. 1550/91/II
SUPREME COURT OF INDIA
DATED: 2nd April, 1991

From

THE REGISTRAR
SUPREME COURT OF INDIA
NEW DELHI.

To

THE DEPUTY REGISTRAR
CENTRAL ADMINISTRATIVE TRIBUNAL,
~~Allahabad~~. Circuit Bench, Lucknow

S.L. No. 3

PETITION FOR SPECIAL LEAVE TO APPEAL (CIVIL) NO. 3889-90 of 1991
(Petition under article 136 of the Constitution of India for
Special Leave to Appeal to the Supreme Court from the Judgment
and Order dated 4-10-90 of the Central Administrative
Tribunal, Allahabad
in O.A. Nos. 333 and 336/89)

JS.
for note
MS

Shri Kumar Singh & ors. ... PETITIONER(S)

VERSUS

Rly. Bd. thr. Gen. Mang. N. Rly. & ors. ... RESPONDENT(S)

Sir,

I am to inform you that the Petition above mentioned
for Special Leave to Appeal to this Court was filed on behalf
of the Petitioner above named from the Judgment and Order of
the Central Administrative Tribunal, Allahabad noted above and
that the same was dismissed ^{for default} by this Court on the 14th March,
day of 1991.

14
4/6/91
R.No. 367/91

Yours faithfully,

for REGISTRAR

kc/xi

Deputy Registrar(J)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

O.A. No. 333 1989. (4)

SUNIL KUMAR SINGH & OTHERS APPLICANTS.
VERSUS
RAILWAY BOARD & ANOTHER OPP. PARTIES

I N D E X

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(M.P. SHARMA)
ADVOCATE

COUNSEL FOR THE APPLICANTS

Dated Lucknow,
the 5th December, 1989.

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

O.A. No.

333

1721
1989

(4)

1. sunil Kumar Singh, aged about 23 years,
S/o Shri Mathura Singh,
R/o Barha Colony, Lucknow.
2. Jai Prakash Srivastava, aged about 27 years,
S/o Shri S.S.Lal Srivastava,
R/o S.S.T.L. Alambagh, Lucknow.
3. Yogesh Prasad Mathpal, aged about 26 years,
S/o Shri Nand Ram Mathpal,
R/o 11-B, Barha Colony, Alambagh, Lucknow.
4. Ranjit Singh, aged about 27 years,
S/o Shri Ram Singh,
R/o IInd/7C, Barha Colony, Lucknow.
5. Shital Prasad Awasthi, aged about 26 years,
S/o Shri M.P. Awasthi,
Wireman Train Lightning Shop,
Alambagh, Lucknow.
6. Vinod Kumar, aged about 24 years,
S/o Shri Radhey Shyam Upadhaya,
R/o S.S.T.L., Alambagh, Lucknow.
7. Suresh Kumar, aged about 26 years,
S/o Shri Giridhari Lal,
C/o 2, Nazarbagh, Lucknow.
8. V.K. Pal, aged about 27 years,
S/o Shri R.D. Pal,
C/o 2, Nazarbagh, Lucknow.
9. Khurshed Ali, aged about 25 years,
S/o Shri Talib Ali,
C/o 2, Nazarbagh, Lucknow.
10. T.K. Arora, aged about 27 years,
S/o Shri H.R. Arora,
R/o House No. 554 K/144,
Arjun Nagar, Alambagh, Lucknow.

..... Applicants.

versus

1. Railway Board,
Through General Manager,
Northern Railway, Baroda House,
New Delhi.

.....2.....

Q.A. no. 333 (L) 89

St. Seph. & alls is union of Ind.

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- OP3 Ashwani Kumar Sharma, aged about 23 years son of
Sri Fatees Chand Sharma, residence of II 88/3
Sleeper Hat Colony Alambag Lucknow
- OP4 Shakel Ahmad Kidwai aged about 23 year son
of Sri Ishaq Ahmad residence of Hata Kareem
Bun No 1 Latouche Road Lucknow
- OP5 Arvind Kumar Singh aged about 29 year son of
Sri D.P. Singh residence of II 40 A-C-P-H
Railway colony Alambag Lucknow
- OP6 Akhilesh Chand Verma aged about 20 year son
of Sri G.C. Verma residence of Quarters No
E-8j Punjab Nagar Charbag Lucknow
- OP7 Ardhesh Kumar Rawat aged about 25 year
son of Sri Mohan Lal Rawat residence of
House No E-3167 Rajajipurma colony
Avasvikas Lucknow
- OP8 P. Murli Dhan Rao, aged about 19 years son of
Sri P.R.M. Rao residence of T-37 D Fateli Ka
Talab Charbag Lucknow
- OP9 Shahid Anwar aged about 20 years son of Sri
Anwarul Haq residence of F 1818 Rajajipurma
Avasvikas colony Lucknow
- OP10 Hemant Kumar Sani aged about 23 year son of
Sri Lakshmi Narain Sani residence of Gram
Vikas Sansthan Bahshi Ka Talab Lucknow

2. Dy. Chief Electrical Engineer(Workshop),
Northern Railway, Charbagh, Lucknow.

ad 26/10 amended and impd by a separate sheet see Act Opp. Parties.

QW

Sl.No.1

Particulars of order against which application is made

- A. Order no. 220E/W/LKO/D/Recruit/III dated 28.9.1988 passed by the Dy.Chief Electrical Engineer, Karmik, N.R.Charbagh,Lucknow Annexure No.1.
- B. Order no. 220-E/W/LKO/DR/III dated 26/28.10.1989 passed by the Dy. Chief Electrical Engineer, Karmik, N.R.Charbagh, Lucknow. Annexure No.2.

Col.No.2

Jurisdiction of the Tribunal :

The applicants declare that the subject matter of the order against which the applicants want redressal is within jurisdiction of the Tribunal.

Sl.No.3

Limitation :

The applicants further declare that the application is within time and under limitation prescribed under sec. 21 of the A.T. Act of 1985 on the basis of order dated 26/28.10.1989 contained in Annexure No.2.

Col.No.4

Facts of the case :

(A) That the fathers of the applicant no.1 Shri Mathura Singh is working as Wireman under the Opp.Party no.2.

The father of applicant no.2 Shri S.S.Lal Srivastava is working as Stage Inspector under Opp.Party No.2.

The father of the applicant no.2 Shri Nand Ram Mathpal is working as Switch Board Attendant under SS/C.P.H., Alambagh, Lucknow.

The father of applicant no.4 is working as Instructore, BTC, Loco, Charbagh, Lucknow.

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The father of the applicant no.5 , Shri M. P. Awasthi is working as Wireman, Train Lightning, Shop, Alambagh, Lucknow.

The father of applicant no.6 Shri Radhey Shyam Upadhaya is working as Wireman Gr. I, SS,TL, Wiring, Alambagh, Lucknow.

The father of the applicant no.7, Shri Giridhari Lal is working as Crane Driver, C.B.M., Charbagh, ~~Meashop~~ Locoshop.

The father of applicant no.8 Shri R.D.Pal was working as Head Clerk under Opp. Party no.2 and retired in the year 1989.

The father of the applicant no.9 Shri Talib Ali is working as Armeture Winder, C.B.R. Shop under Opp. Party No.2 and the father of applicant no.10 was working as Armeture Winder, SS TL, Alambagh, Lucknow now retired.

(B) The the Opp. Party No.2 vide its order no. 220/W/LKO/Trade Apprentice dated 28.4.1982 and 29.5.1982 invited the applications for training as Apprentice against the following clear vacancies existed at the date of circulation of that order :-

S.No.	vacancies available on 28.4.82 and 29.5.82	
<u>ix</u>	<u>Trade</u>	<u>vacancy No.</u>
1.	Crane Driver	01
2.	T.L. Fitter	04
3.	AC/Fitter/Elec.Fitter	04
4.	Armeture Winder/ Power Winder	03
5.	Wireman (TL)	02
6.	Electronic Mechanic	01
Total :		15

3/1/82

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(C) That against the invitation orders dated 28.4.1982 and 29.5.1982 the applicants had applied alongwith other candidates and submitted their forms/ applications to the Opp. Party No.2.

(D) That the Opp. Party No.2 after taking into account the merits of all the candidates, it was pleased to select the applicants for training to be given in the following trades :-

<u>S.No.</u>	<u>Name of applicants for Trade/Training</u>
1.	Applicant No.1 Fitter
2.	Applicant No.2 Air-Condition Mechanic
3.	Applicant No.3 Wireman
4.	Applicant No.4 Fitter
5.	Applicant No.5 Wireman
6.	Applicant No.6 Fitter
7.	Applicant No.7 Fitter
8.	Applicant No.8 Aircondition
9.	Applicant No.9 Fitter
10.	Applicant No.10 Fitter.

(E) That after selecting the applicants alongwith other candidates for Apprenticeship Training in the aforesaid Training, the Opp. Party No.2 was pleased to send the applicants for proper training in Basic Training Centre, Loco Shop, Charbagh as well as shop Training etc. and the applicants have taken regular training in between 28.2.1986 to 27.2.1989 continuously for 3 years as prescribed and they were declared successful vide order dated 19.10.1989. The said order dated 19.10.1989 is enclosed herewith as Annexure No.3 to this application.

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(F) That the applicants are entitled to be appointed on regular basis, on the basis of their results as declared vide Annexure No.3 against the vacant posts as details given in supra para no.(B) and it is the duty of the Opp.Party No.2 to appoint the applicants against the vacancies existed in the year 1982 and onward as well as against the total vacancies of Fitter, Air Condition Mechanic, Wireman, amongst other as the Opp Party No.2 had already considered the candidature of the applicants initially in the year 1982 at the time of inviting applications and selecting the applicants for the purpose of training them as per vacancies available and the same was required to be filled by the Railway Administration.

(G) That there is a provision that sons of the employees who are and were working under the Opp.Party No.2 shall be given preference for the purpose of selection for training and also for the purpose of their appointment on a post pertaining to their trades.

(H) That as disclosed in supra para no. (A) the fathers of all the applicants are Railway employees and the applicants are their respective sons and, therefore, under the policy of the Railway Board, the applicants are entitled to be appointed as Fitter, Wireman as well as Air Conditioner Mechanic etc.

(I) That, however, on 28.9.1988 the Opp.Party No.2 invited applications again against the vacancies of

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1982 against which the applicants were selected and after their selection, they were sent for 3 years practical training and ultimately all the applicants were declared fit and passed vide Annexure No.3 and as such, the circular dated 28.9.1988 of Opp. Party No.2 is unwarranted and arbitrary because there was no occasion for the Opp. Party No.2 to circulate and invite fresh applications when the Opp. Party No.2 has already selected the applicants and sent them for training and it was also in the knowledge and notice of the Opp. Party No.2 that after completion of training the applicants are required to be appointed on the posts for which the Railway Administration had trained them. Moreover it was also in the knowledge of the Opp. Party No.2 that the applicants being dependants of working employees of the Railway Department, the applicants are to be given first priority and preference against those outsiders who were neither selected for apprentice training nor they are qualified.

(J) That moreover, vide Annexure No.2, order dated 26.10.1989 the Opp. Party No.2 illegally prepared a provisional panel by selecting 13 candidates as named in the Annexure No.2 as against the existing vacancies the applicants are required to be selected posted trade-wise and and/in view to give an appointment as per their own right as envisaged under Article 16 of the Constitution of India.

(K) That the order passed by the Opp. Party No.2 as contained in Annexure No.1 and 2 is arbitrary, illegal and against the provisions of the law as well as against the Railway Board's order on the point.

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(L) That the persons selected as 13 in number as per Annexure No.2 have never taken apprenticeship training for 3 years as prescribed but they are untrained and outsider, fresh hands and even they have no experience in any trade as at present but in view to favour them this order contained in Annexure No.2 was issued contrary to the provisions of law and also precedence and policy adopted by the Railway Administration in the past.

(M) That the practice prevailing in the Railway Administration particularly in the office of the Opp. Party No.2 is that the persons like applicants who have been selected for 3 years training and successfully completed the same, they were appointed as Railway employee on the basis of trade training and this practice is maintained for the last 20 years and till to-day.

(N) That as per Annexure No.3 the applicants were declared passed in their training course prescribed by the Railway Administration, therefore, they are entitled to be appointed first against the existing vacancies particularly when they have exhausted their valuable time for 3 years in parting training in view to achieve the object of the Railway Administration.

(O) That the Opp. Parties are welfare state and they have no power or authority to ignore the rights of the applicants for their employment and also they have no right to pass arbitrary orders as per Annexure No.1 and 2 which prejudices the rights of the applicants.

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(P) That the Opp Party No.2 as indicated in Annexure No.2 directed the 13 persons for Medical Examination and also for completing necessary formalities. The process is going on and it is likely that the Opp. Party No.2 will issue appointment letters in favour of the persons named in Annexure No.2.

(Q) That at the time of training and submitting applications for training, the applicants were within the age limit.

(R) That all the applicants have filed representations dated 27.11.1988 for their consideration and appointment on the basis of their trade to the General Manager, N.R., New Delhi, which is enclosed herewith as Annexure No.4 to this application and also other representation to the Chief Workshop Manager, Lucknow which is enclosed herewith as Annexure No.5 to this application for the subject matter of this application but the same are still pending decision.

Col.No.5

Grounds of Relief :

1. Because the applicants are entitled to be appointed on regular basis, on the basis of their results as declared vide Annexure No.3 against the vacant posts as details given in supra para no.(B) of Col.4 and it is the duty of the Opp. Party No.2 to appoint the applicants against the vacancies existed in the year 1982 and onward as the Opp. Party No.2 had already considered the candidature of the applicants initially in the year 1982 at the time of inviting applications and selecting the applicants for the purpose of training as per vacancies available.

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2. Because there is a provision that sons of the employees who are and were working under the Opp. Party No.2 shall be given preference for the purpose of selection for training and also for the purpose of their appointment on a post pertaining to their trades.

3. Because as disclosed in supra ~~xxxxxx~~ para no.(A) of Col.4 the fathers of all the applicants are Railway employees and the applicants are their respective sons and, therefore, under the policy of the Railway Board, the applicants are entitled to be appointed as Fitter, Wireman as well as Air Conditioner Mechanic etc.

4. Because vide Annexure No.2 (order dated 26.10.1989) the Opp. Party No.2 illegally prepared a provisional panel by selecting 13 candidates as named in the Annexure No.2 as against the existing vacancies the applicants are required to be selected and posted trade-wise and in view to ~~xxxxxx~~ give an appointment as per their own right as envisaged under Article 16 of the Constitution of India.

5. Because the order passed by the Opp. Party No.2 as contained in Annexure No.1 and 2 is arbitrary, illegal and against the provisions of the law as well as against the Railway Board's order on the point.

6. Because the persons selected as 13 in number as per Annexure No.2 have never taken Apprenticeship training for 3 years as prescribed but they are untrained and outsider, fresh hands and even they have no experience in any trade as at present but in view to favour them this order contained in Ann.No.2

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was issued contrary to the provisions of law and also precedence and policy adopted by the Railway Administration in the past.

7. Because the practice prevailing in the Railway Administration particularly in the office of the Opp. Party No.2 is that the persons like applicants who have been selected for 3 years training and successfully completed the same, they were appointed as Railway employee on the basis of trade training and this practice is maintained for the last 20 years and till to-day.

8. Because as per Annexure No.3 the applicants were declared passed in their training course prescribed by the Railway Administration, therefore, they are entitled to be appointed first against the existing vacancies particularly when they have exhausted their valuable time for 3 years in parting training in view to achieve the object of the Railway Administration.

9. Because the Opp. Parties are welfare state and they have no power or authority to ignore the rights of the applicants for their employment and also they have no right to pass arbitrary orders as per Annexure no.1 and 2 which prejudices the rights of the applicants.

Col.No.6 Details of the remedy exhausted :

It is submitted that the applicants had filed representations on 27.11.88 and 26.10.89 as per Annexure Nos. 4 and 5 and the same are still pending.

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Col.No.7 Matter previously filed and pending :

That the applicants submit that for the present dispute the applicants have not filed any suit or proceeding in any Court of Law.

Col.No.8 Reliefs sought for :

In view of the above facts and grounds, it is respectfully prayed that this Hon'ble Tribunal be pleased to quash Annexure Nos. 1 and 2 to this application by directing the Opp.Parties to consider and appoint the applicants on their respective trade posts as present vacant or in the alternative a direction may be given to the Opp. Parties to dispose off their representations contained in Annexure Nos. 4 and 5 within reasonable period and till then the Opp.Parties may kindly be restrained from giving effect to the orders contained in Annexure Nos. 1 and 2.

Col.No.9 Interim order :

It is most respectfully prayed that this Hon'ble Tribunal be pleased to restrain the Opp.Parties from giving effect to the orders contained in Annexure Nos. 1 and 2 till pending decision of this application.

Col.No.10 Not relevant.

9/1

Col.No.11

Indian Postal Order No.

406777 Ar 5/89

Name of Post Office

Meerut

Payable Post Office at

Meerut

Col.No.12

No. of enclosures.

Annexures

1. Copy of order dated 28.9.1988
2. Copy of order dated 26.10.1989
3. Copy of order dated 19.10.1989
4. Copy of applicants' representation dated 27.11.1988.
5. Copy of applicants' representation dated 26.10.1989.

- 1 सुनील कुमार सिंह
- 2 जयसिंह
- 3 भागेश कुमार
- 4 रवींद्र
- 5 पवन कुमार सिंह

- 6 विनोद कुमार उपाध्याय
 - 7 Suresh Kumar
 - 8 S. Cheri
 - 9 Kpal
 - 10 अशोक शर्मा
- Applicants - M. J. Singh

Verification

I, T.K. Arora, S/o Shri H.R. Arora, R/o House No. 554 K/144, Arjun Nagar, Alambagh, Lucknow, do hereby verify that the contents of column No.1 to column no.12 of this application are true to my knowledge.

Signed and verified at this day of December, 1989 at Lucknow.

T. K. Arora

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A-I 13
A35 3

कार्यालय उप मुख्य विद्युत अभियन्ता १४३०१ उत्तर म चारबाग लखनऊ ।
सूचना संख्या : 220 ई/डब्ल्यू/लखनऊ/सी०भर्ती/111 दिनांक 28.9.88

परिपत्र

Recd

विषय:- 25 प्रतिशत कोटे के अधीन कुशल कारीगरों श्रेणी-111 की सीधी भर्ती ।

उप मुख्य विद्युत अभियन्ता १४३०१ लोकोशाप, चारबाग तथा आलमबाग के अधीन कार्यरत कर्मचारियों के पुत्रों/पुत्रियों के अर्न्तगत आने वाले निकट आश्रितों से कुशल कारीगर श्रेणी-111 केतनमान रु 950-1500/सेवे0१ में निम्नीकृत पदों पर प्राधान्य के उपरान्त नियुक्ति हेतु संलग्न प्रारूप में आवेदन पत्र-पिनॉक 25.10.1988 तक आर्म्बि० दिये जाते हैं ।

1- पदों का विवरण एवं उनकी संख्या निम्न प्रकार है:-

क्र० सं०	पद	पदों की संख्या
1.	ट्रेन चालक	01
2.	टी०एल०पीटर	04
3.	इलेक्ट्री०पीटर/इलेक्ट्री०पीटर	04
4.	आरमेचर वाइंडर/पावर वायरमैन	03
5.	वायरमैन टी.एल.	02
6.	इलेक्ट्री०निक भेदीनक	01

विभिन्न ट्रेड के पदों की संख्या = 15 पन्द्रह
टिप्पणी:- पदों की संख्या घट या बढ़ सकती है ।

१ब१ आरक्षण:-

१।१ अनुसूचित जाति तथा अनुसूचित जन जाति के अभ्यर्थियों के लिए क्रमशः 19 प्रतिशत तथा 4 प्रतिशत पद आरक्षित हैं ।

2- आर्हतायें:-

१।१ शैक्षणिक तदनीकी योग्यता:- अभ्यर्थियों को सम्बन्धित व्यवसाय में केन्द्र/राज्य सरकार द्वारा मान्यता प्राप्त शैक्षिक संस्था से आई.टी.आई.योग्यता अथवा ओएन्स अधिनियम के अधीन ऐक्ट अप्रैन्स का पूर्ण पाठ्यक्रम उत्तीर्ण होना चाहिए। मैट्रीकुलेट/हाई स्कूल १० + 2 द्वारा उत्तीर्ण अभ्यर्थी भी आवेदन कर सकते हैं ।

१२१ आयु सीमा:- अभ्यर्थी को दिनांक 1.10.88 को 18 वर्ष से कम एवं 25 वर्ष से अधिक नहीं होना चाहिए लेकिन जो उम्मीदवार 25 वर्ष की आयु सीमा के भीतर ऐक्ट अप्रैन्स शिप सरकार द्वारा मान्यता प्राप्त संस्था से पूरी कर चुके हैं, ऐसे उम्मीदवारों की अधिकतम आयु सीमा 35 वर्ष होगी। अनुसूचित जाति/अनुसूचित जन जाति के अभ्यर्थियों के मामले में अधिकतम आयु सीमा में नियमांकसार 5 वर्षों की छूट दी जायेगी ।

Handwritten signatures and initials

11/10/88
62
11/11/25

इस कारखाने तथा आलमबाग कारखाने के शिफ्ट, अनुभास के कर्मचारी जो अप्रैन्टिस अधिनियम 1961 के अधीन निर्धारित मान्यता व्यवसाय में अप्रैन्टिस पाठ्यक्रम सफलता पूर्वक कर चुके हैं अथवा सरकार द्वारा मान्यता प्राप्त संस्था से दौखत व्यवसाय में आई0टी0आई0 योग्यता प्राप्त हो तथा तीन वर्ष की नियमित सेवा पूरी कर ली हो, भी अप्रैन्टिस कर सकते हैं। ऐसे कर्मचारियों को अधिकतम आय सीमा में शिफ्ट रेल सेवा अधीन रखा जा सकता है, जो 1-10-88 तक 35 वर्ष की आयु तक नहीं होना चाहिए।

3- प्रशिक्षण अविधि एवं वृत्तिका:-

Can be applied with thank for the training

- ✓ 118 उन उम्मीदवारों के लिए जिन्होंने रेल कारखाने में एकट अप्रैन्टिस अधिनियम 1961 के अन्तर्गत प्रशिक्षण प्राप्त किया है।
- 128 आई0टी0आई0 योग्यता प्राप्त अथवा रेल कारखाने के बाहर एकट अप्रैन्टिस अधिनियम सफलता पूर्वक पूरी कर चुके हैं।
- 138 हाई-स्कोल/मैट्रिकुलेट अभ्यर्थियों के लिए

प्रशिक्षण की आवश्यकता नहीं है। ऐसे अभ्यर्थियों को नियमाधार संबंधित व्यवसाय में ट्रेड ट्रेड में सफल होने पर तुल्य कारीगर श्रेणी-111 वेतनमान 950-1500 शिफ्ट पर नियुक्ति दी जा सकती है।

उ: 168 माह का प्रशिक्षण न दिया जायगा इस अविधि में देना महंगाई भत्ता सहित वृत्तिका देय होगी।

प्रशिक्षण अविधि तीन वर्ष, प्रशिक्षण अविधि में रुपये 20-20-240 प्रम में वृत्तिका देय होगी।

4- सामान्य निर्देश:-

- 118 आवेदन पत्र तही पाये जाने पर अभ्यर्थियों को निर्धारित लिखित परीक्षा एवं व्यवसाय परीक्षा में सम्मिलित होना पड़ेगा, जिसमें सफल होने वाले अभ्यर्थियों को साक्षात्कार में बुलाया जायगा। चुने गये अभ्यर्थियों को निर्धारित स्वास्थ्य परीक्षा भी उत्तीर्ण करनी होगी। प्रशिक्षण प्रारम्भ होने के पूर्व रेल प्रशासन के साथ सौचदा करना होगा। साथ ही उन्हें रेलवे में 5 वर्ष की नियमित सेवा पूरी करनी होगी। सफलता पूर्वक प्रशिक्षण पूर्ण कर लेने के बाद ही अभ्यर्थियों को तुल्य कारीगर श्रेणी तृतीय के पद पर लागू वेतन मान एवं अन्य परिशुल्क सहित अस्थाई नियुक्ति दी जा सकती है।
- प्रशिक्षण के उपरान्त निर्धारित अविधि तक रेल सेवा करने में क्षमता होने पर अभ्यर्थियों को प्रशिक्षण लागत वापत करना होगा। नियुक्त किये गये प्रत्येक अभ्यर्थियों को यदि आवश्यकता हुई तो रेल इंजीनियरिंग की प्रादेशिक सेना की इकाई में निर्धारित अविधि तक सेवा करना पड सकता है।
- 128 आवेदन पत्र के साथ जन्म तिथि, शैक्षिक, तकनीकी, खेल-कूद आदि प्रमाण-पत्र एवं अनुसूचित जाति/अनुसूचित जनजाति के अभ्यर्थियों के जाति प्रमाण-पत्र की सत्यापित प्रतियाँ, जिनपर अभ्यर्थी के हस्ताक्षर पूरा नाम के साथ होना आवश्यक है, प्रमाण-पत्रों की बिना सत्यापित प्रतियाँ मान्य नहीं होगी। आवेदन पत्रों के फार्म की पूर्ति इस कार्यालय

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कार्य नहीं दी जायगी। अभ्यर्थी आदेशों की एक प्रति आवेदन-पत्र में अलग से संलग्न करेंगे।

§3§ अभ्यर्थियों को लिखित रूप से व्यवसायिक परीक्षा तथा साधारण आचार में सम्मिलित होने के लिए प्रचार का भत्ता देय नहीं होगा। अर्जों से सम्बन्धित मामलों में किसी व्यक्ति या संस्थान के साथ पत्र व्यवहार नहीं दिया जायगा। किसी भी प्रकार के दबाव का प्रयोग करने पर अभ्यर्थी को अपौरुप घोषित किया जायगा। पत्रों की अभावकारी रेल नियमों के अन्तर्गत होगी।

§4§ आवेदन-पत्र देवल एक ही स्टाही से भरा जाना चाहिए तथा आवेदन-पत्र निर्धारित प्रारूप में होना चाहिए। ऐसा न होये वा शक्य भरे जाने पर प्रार्थना-पत्र रद्द कर दिया जायगा तथा इस प्रकार में किसी प्रकार की प्रत्यावत करने के लिए प्रयास न बाध्य न होगा।

बालराम लिकरी

उत्तम उप मुख्य विद्युत अभियन्ता, त्रिभुवन, लखनऊ।

26/9/88

प्रतीतिपि:-

उत्तम मुख्य विद्युत अभियन्ता, त्रिभुवन, लखनऊ के अधीनस्थ तमस्त शॉप अधीक्षकों, आलमबाग एवं चारबाग, सहायक कार्मिक अधिकारी (विद्युत), आलमबाग को चाहिए कि वे उनके अधीनस्थ कार्यरत कर्मचारियों के पुत्रों एवं निकट आश्रितों को जो पास बीनयम के अन्तर्गत आते हों, का आवेदन-पत्र प्राप्त करके तथा प्रार्थना-पत्रों की सूची बनाकर आलमबाग शॉप के सहायक कार्मिक अधिकारी, आलमबाग, चारबाग शॉपों के उप मुख्य विद्युत अभियन्ता के सम्बन्धित लिपियों को सत्यापन हेतु दिनांक 28-10-88 तक अवश्य भेज दें।

सत्यापन के बाद सहायक कार्मिक अधिकारी (विद्युत), आलमबाग तथा इस कार्यालय के प्रधान लिपिक ई-11 एवं 111 को चाहिए कि सत्यापित करके शॉप अनुभाग, उप मुख्य विद्युत कार्यालय चारबाग को दिनांक 01/11/88 तक अवश्य प्राप्त करा दें। निर्धारित तिथि के पश्चात् कोई भी प्रार्थना पत्र स्वीकार नहीं दिया जायगा।

§2§ सेवा-योजन अधिकारी, लखनऊ के सूचनाार्थ से पंजीकृत/निबन्धित अभ्यर्थियों के 45 प्रार्थना-पत्र मुहर चम्पे पैकेट में अभ्यर्थियों के नामों की दो प्रतियों को इस कार्यालय में दिनांक 25-10-88 तक भेजने की व्यवस्था करें। निर्धारित तिथि के पश्चात् कोई भी प्रार्थना-पत्र स्वीकार नहीं दिया जायगा।

§3§ सचिव, उपआर० मन्त्र, स्वयं सेवा आर० मन्त्र, विद्युत विभाग, चारबाग लखनऊ।

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Handwritten notes and signatures: "Mishra", "Prasad", "M.L. E.S.D."

उत्तर रेलवे :
कार्यालय उप मुख्य विद्युत अभियन्ता ॥ कर्म० ॥
घारबाग : लखनऊ

छान सूचना

साक्षात्कार
सफल घोषित
किया जाता
है एवं

25 प्रोत्साह कोटे के अन्तर्गत कुशल कारीगर श्रेणी तृतीय के कर्मी भर्ती हेतु लिखित परीक्षा दिनांक 27-11-88 तथा हस्तकला दिनांक 14-3-89 के परिणाम स्वरूप निम्नीलिखित अभ्यर्थियों को प्राविजनल पैनल पर इस शर्त के साथ रखा जाता है कि वे स्वास्थ्य परीक्षा में सफल, तथा शिक्षा, आयु तकनीकी, जाति प्रमाण पत्र आदि सही पये जायेंगे।

क्रम सं०	रॉल नम्बर	नाम	पिता का नाम	परिष्णाम
1.	45	सर्व श्री :- बलजीत सिंह	सर्व श्री :- गुर मेल सिंह	सफल
2.	34	अश्वनी शर्मा	फकीर चन्द शर्मा	"
3.	84	शकील अहमद रिक्रवई	झाक अहमद	"
4.	77	हेमन्त कुमार सैनी	लक्ष्मी नारायण सैनी	"
5.	23	अजय कुमार अग्निहोत्री	योगेन्द्र मोहन	"
6.	46	मन्सा राम	माता बदल	"
7.	37	अरविन्द कुमार	दान पाल सिंह	"
8.	15	अशोक चन्द्र वर्मा	जी. सी. वर्मा	"
9.	53	राहुल शुक्ल	जी. एन. शुक्ल	"
10.	22	अवध कुमार रावत ॥ अनु. जाति ॥	मोहन लाल रावत	"
11.	47	पी. मुरलीधर राव	पी. आर. एम. राव	"
12.	79	ओम प्रकाश पाल	सत्य नारायण पाल	"
13.	31	शाहिद अनवर	अनवारुल हक	"

उपरोक्त अभ्यर्थियों को यह सूचित किया जाता है कि मात्र उनका छान किया जान इस बात कि गारन्टी नहीं है कि वे कुशल कारीगर के पद पर नियुक्त ही कर लिये जायेंगे, आवश्यकता अनुसार उनको प्रशिक्षण के लिये भेजा जायगा और उनके सफल प्रशिक्षण के उपरान्त ही उनको कारीगर कुशल के पद पर लगाया जायगा।

उपरोक्त को मुख्य विद्युत अभियन्ता को अनुमोदन प्राप्त है

अभ्यर्थियों को यह भी सूचित किया जाता है कि प्रशिक्षण के काल में उनको प्रशिक्षार्थी भत्ता देय होगा

साक्षर मन्त्री 11/1/89

उप मुख्य विद्युत अभियन्ता ॥ कर्म० ॥
कुपना संख्या 220-ई/डब्ल्यू०/लखनऊ/डी.आर./111 दिनांक 28-10-1989

प्रतिनीप सूचनार्थ x कर्मशाला विद्युत अभियन्ता/आलमबाग
क्षेत्रीय सेवा योजन कार्यालय
एवं समस्त सम्बन्धीयों को

Handwritten initials: "Te" and "Raj"

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

CIRCUIT BENCH : LUCKNOW.

O.A.No.

1989.

SUNIL KUMAR SINGH & OTHERS APPLICANTS.
VERSUS
RAILWAY BOARD & ANOTHER OPP. PARTIES.

I N D E X

Sl. No.	Particulars	Page No.
1.	Annexure No.3 (Order dated 19.10.1989)	17
2.	Annexure No.4 (Representation dated 27.11.1988 of the Applicants)	18-20
3.	Annexure No.5 (Representation dated 26.10.89 of the Applicants)	21-22

(M.P. SHARMA)
ADVOCATE

Dated Lucknow,
the 5th December, 1989.

COUNSEL FOR THE APPLICANTS

A39 17

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Office of the Dy.C.E.E.(W)/Northern Railway, Charbagh, Lucknow.

No. 222-E/W/LKO/App.

Dated: 19.10.1989.

The Principal,
System Technical School,
M.Rly., CE-Lucknow.

Allex 3

Sub:- 50th All India Trade Test Result.

The result of 50th All India Trade Test of Act Apprentices of Electrical Workshop, Charbagh, Lucknow held from 21.4.89 to 28.4.89 at Industrial Institute, Kanpur, received from Regional Director of Apprenticeship Training, Udyog Nagar, Kanpur vide his letter No. RDK/16824/(50)89-APP-III dated 16th October, 1989 is given below:-

Sl. No.	Name of Apprentices & Father's Name. S/Shri	Registration No.	Trade.	Marks obtained.	RESULT
1.	Pawan Kumar Singh S/o Har Praśad Singh	KU-II/85/91/10	Fitter	407	Pass
2.	Suresh Kumar S/o Girdhari Lal	-do- /11	-do-	489	Pass
3.	Batish Chandra Srivastava S/o M.P. Srivastava	KU/II/86/91/9	-do-	342	Fail
4.	Ranjit Singh S/o Ram Singh	KU-II/85/91/13	-do-	420	Pass
5.	Sunil Kumar Singh S/o Mathura Singh	-do- /16	-do-	320 417	Fail Pass
6.	Surendra Mohan Jaitali S/O R.L. Jaitali	-do- /15	-do-	485	Pass
7.	Khursheed Ali S/o Talib Ali	-do- /17	-do-	441	Pass
8.	Vinod Kumar Upadhaya S/o R.S. Upadhaya	-do- /12	-do-	419	Pass
9.	J.P. Srivastava S/o S.S. Lal Srivastava	KU-II/86/91/6	Mech. Ref. & A/C.	464	Pass
10.	Gri Niwas S/o Raj Manar	-do- /7	-do-	477	Pass
11.	Virendra Kumar Pal S/o R.D. Pal	-do- /8	-do-	471	Pass
12.	Ajai Agnihotri S/o Yogendra Mohan	-do- /5	Wireman	477	Pass
13.	Yogesh Pd. Mathpal S/o Nand Ram Mathpal	KU-II/85/91/2	-do-	421	Pass
14.	Sheetal Pd. Awasthi S/o M.P. Awasthi	-do- /3	-do-	399	Pass
15.	Awadesh Kumar Rawat S/o Mohan Lal Rawat	-do- /4	-do-	409	Pass
16.	Trilok Kumar Arora S/o Shri (Primal Ram) Arora	Kn-II/85/91/14	Fitter	424	Pass 1987

Copy for information to:-

For Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

1. RDAT/Kanpur.
2. WEE/Alambagh.
3. All Apprentices.

19-10

19/10

Handwritten signature

पृष्ठ ५

श्रीमान् महापुंज्य
उत्तर राज्य, कौशल राज्य,
नया दिल्ली-110001

Alcey

विषय:- उत्तर राज्य, कौशल राज्य, उत्तर प्रदेश के एस्ट एम्प्लॉय 25 प्रतिशत
कोटे के अर्धीन वर्ग कर्मचारियों को 111 के वर्ग पर लीडी भर्ती।

श्रीमान्,

विगत कई वर्षों से जो 30 से कौशल राज्य विद्युत लक्षक में 25 प्रतिशत कुशल
कर्मचारियों को लीडी भर्ती नहीं हो सकी है जिसका रेलवे बोर्ड के नियमों के
अर्धीन प्राविष्टन है।

पुनर्गठन को हम 25 प्रतिशत लीडी भर्ती के लिए बार-बार पत्रान
दिनामे जाने पर अब कुशल विद्युत अभियन्ता 30 से लोको पश्चात्, बारबाग,
लक्षक में विभिन्न स्तर के लिए कुल 16 कुशल कर्मचारियों के पद सम्भावित रिक्त
प्राप्ति।

हम विभिन्न स्तर के सम्भावित रिक्त पदों को 25 प्रतिशत लीडी
भर्ती से भरने के हद्दों में 30 से कुशल विद्युत अभियन्ता बारबाग लक्षक में
एस्ट एम्प्लॉय ट्रेनिंग के लिए अपने कार्यालय की नियोजन सूचना - 220-ई/कौशल/
लक्षक/रेलवे एम्प्लॉय 110 26-4-82 तथा 25-9-82 प्रसारित की। इन सूचनाओं
के आधार पर बहुत से आवेदन कम प्राप्त हुए जिसकी जांच करने के उपरान्त एक
लिखित परीक्षा 29-9-85 को उत्तर राज्य विद्युत डेप्युटी क्लर्क, लक्षक में
आयोजित की गई। इस लिखित परीक्षा में केवल उत्तीर्ण अभ्यर्थियों को पत्रांक
220/ई/कौशल/लक्षक एम्प्लॉय 110 दिनांक 5-12-1985 के आधार पर दिनांक
23-12-1985 को सम्भावित के लिए प्रेषित गया।

12-28-2-86 से उत्तीर्ण अभ्यर्थियों को 30 से डेप्युटी ट्रेनिंग सेन्टर, लोको पश्चात्,
बारबाग, लक्षक भेज दिया गया।

उपरोक्त पदों को 25 प्रतिशत लीडी भर्ती के लिये सम्भावित पदों
के आधार पर ट्रेनिंग के लिए 30 से कुशल विद्युत अभियन्ता द्वारा प्रेषित
आवन्ति कर लिये गये।

TC
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Ad

हम सभी प्रशिक्षणार्थियों से रेलवे ने एक अनुबन्ध लिया, जिसके तहत प्रशिक्षणार्थी को इस प्रशिक्षण काल में अन्य किसी नियोजता से अनुबन्ध करने का अधिकार हम समाप्त कर दिया गया जो किसी प्रशिक्षणार्थी के अनुबन्ध नौकरी दूधने के प्रयास को रोक देता है।

इस प्रशिक्षण के दौरान रेलवे ने अपनी आवश्यकता के अनुसार विभिन्न ट्रेड की प्रेषितकल ट्रेनिंग की व्यवस्था की है।

इस प्रशिक्षण काल में रेलवे ने प्रशिक्षण के लिए 10,000 ₹ प्रति प्रशिक्षणार्थी मासिक प्रशिक्षण तथा 30,000 ₹ लगभग प्रशिक्षण व्यय के रूप में खर्च किया है जो कुल ₹ 6,00,000 10: लाख ₹ है।

खोदप, उदरे 0 अ म्बुय विपुत अभियन्ता लो लो वरुणाय लकडु ने एक परिपत्र 220/ई/इ/कपु/लकडु/सीपी/भी-111 दिनांक 28-9-88 पुरतारित किया है, जिसके आधार पर रेलवे ट्रेड ट्रेड असेन्टिस के अतिरिक्त आर्योटीआर्यो तथा हाई स्कूल उद्योग के आवेदन मागे है।

एक आदेशन उन्ही सम्भावित कुम उर्या रियों के पदों के लिए मागे गये है जिसके लिए हम प्रशिक्षणार्थी अमा प्रशिक्षण देवल कुम माह में पूरा करने वाले है।

आपसे निवेदन है कि कुपया निम्न आधार पर 30 र् 0 अ म्बुय विपुत अभियन्ता, लो लो वरुणाय, लकडु के परिपत्र 220/ई/इ/कपु/लकडु/सीपी/भी/111 दिनांक 28-9-88 को वापस लेने के आदेश पारित करने की कृपा करें।

- 1- हम सभी प्रशिक्षणार्थियों पर रेलवे 5 लाख से अधिक व्यय खर्च चुकी है तथा पुरतारित मर्गी भी के लिए आर्योटीआर्यो/देवल हाई स्कूल उद्योग पर रेलवे को प्रशिक्षण के लिये हमसे अधिक व्यय खर्च होगा।
- 2- पुरतारित दि 28-9-88 की मर्गी के लिए प्रशिक्षण उर्या रियों की उपलब्धता आगामी 3 वर्ष उपरान्त ही हो सकेगी।
- 3- हम सभी प्रशिक्षणार्थियों का प्रशिक्षण लगभग पूरा हो चुका है: नियुक्ति के अभाव में अनेक अभ्यर्थी आयु सीमा शीत जाने के कारण अन्य किसी नौकरी के लिये अग्रसर हो जायेंगे।

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A42

- 3 -

4- पुलिस के विगत 3 वर्षों में अन्वेषण निरवधि है अनुबन्ध करने से राज्य में अने अनुबन्ध द्वारा हमें रोक दिया है।

आशा है कि आप हमारी प्रार्थना पर विशेष ध्यान देंगे तथा उपर्युक्त विपुल अभियन्ता, लखनऊ में दिनांक 28-9-88 के परिपत्र को निरस्त करने की कृपा कर हमारे भविष्य को बचाने में सहायता करेंगे।

दिनांक: 27/11/82

क्र.सं.	नाम	पता	सं.सं.	व्यवस्थापक	हस्ताक्षर
1-	श्रीमती कुमारी सिंह	आर.ओ.सी. 1	1	श्रीमती	श्रीमती कुमारी सिंह
2-	श्रीमंत मोहन देवती	"	2	Surendra Mohan Jain	
3-	श्रीमती	"	4		
4-	श्रीमती सिंह	"	5	R. S. Singh	
5-	श्रीमंत कुमार सिंह	"	6	Rajan Kumar Sin	
6-	श्रीमंत कुमार अष्टाध्याय	"	7	V. K. Asthaya	
7-	श्रीमंत कुमार	"	8	श्रीमती कुमार	
8-	श्रीमती अन्तु श्रीवास्तव	"	9	श्रीमती अन्तु श्रीवास्तव	
9-	श्रीमती अग्निहोत्री	"	10	श्रीमती अग्निहोत्री	
10-	श्रीमती प्रताप अग्रवाल	"	11	श्रीमती प्रताप अग्रवाल	
11-	श्रीमती कुमार रावत	"	12	A. K. Rawal	
12-	श्रीमती प्रताप अग्रवाल	"	14	S. P. Agrawal	
13-	श्रीमंत कुमार पात	"	15	श्रीमंत कुमार पात	
14-	श्रीमती श्रीवास्तव	"	16	श्रीमती श्रीवास्तव	
15-	श्रीमती वासी	"	17	श्रीमती वासी	

प्रतिलिपि

- 1- उपर्युक्त विपुल अभियन्ता, लोको वर्कसाप, पारबाग, लखनऊ।
2. मध्य अन्वेषण अनुबन्ध, लोको वर्कसाप, 3070, लखनऊ।
3. प्रधानाचार्य, सिस्टम इंजिनियरिंग स्कूल, 3070, लखनऊ।

(Handwritten signatures)

Keerthi

सेवा में

**श्रीमान मुख्य कारखाना, प्रथमक । वर्धमान ।
उत्तर रेलवे लोको वर्धमान कारखाना लखनऊ**

**विषय:- उत्तर रेलवे कर्माला विद्युत लखनऊ के एक्ट अर्थात् 25 प्रतिशत
कोटे के अधीन कुशल कारीगर केंपी सुतीष के बर्दी पर तीषी भती
हेतु प्रार्थना पत्र, वैलमान 1950-1500 ।**

महोदय,

सविनय निवेदन यह है कि हम सभी प्रशिक्षणार्थियों ने उत्तर रेलवे
कर्माला प्रशिक्षण स्कूल कारखाना लखनऊ से प्रशिक्षण पूर्ण करके नियमानुसार ब्यासवी
अखिल भारतीय ट्रेड टैफ्ट उत्तीर्ण कर लिया है जिसकी कोपी आप के कार्यालय के पास
है तथा हम सभी प्रशिक्षणार्थियों ने अपना अन्तिम प्रमाण पत्रआप के कार्यालय से प्राप्त
कर लिया है।

उक्त विषय का घणन 1784वीं जगहों को भरने के लिये किया गया है,
जब कि इन्हे पूर्व करीब 10 वर्षों से इन लोकी जगहों को भरने के लिये कोर्ड घणन नहीं
किया जा सका, अतः उन रिक्त स्थानों को दूसरे कोटे के अर्थार्थियों से समाधी जित कर लिया
गया जो नियमानुसार गला है इसके बावजूद भी अगर हम लोगों को नियुक्ति नहीं
की गई तो न्याय का उत्पन्न होगा यह रिक्त स्थान दूसरे अर्थार्थियों से भर लिये जायेंगे
उपरोंक्त विषय पर हम प्रशिक्षणार्थियों ने माह नवम्बर 1988 में आपकी धन लिख कर
प्रयत्न कर चुके हैं, और विशदतत पूर्वों से प्राप्त हुआ है कि सुचना पर संख्या, 220ई-
ई/लु-लखनऊ तीषी भती कुशल कारीगर- III - दिनांक 28/9/1989, उक्त मुख्य विद्युत
अभियन्ता लोको वर्धमान कारखाना लखनऊ को रद्द कर दिया गया है।

हम सब कुशल कारीगर की पूर्ण इच्छा रखते हैं और हम सब की प्रतासन
में अपनी रिक्त ट्रेड के अनुसार आर्थात् करके पूर्ण प्रशिक्षण दिया है हमारे उम्बर कोर्ड
की भविष्य में रेलवे तथा सरकार को खर्च नहीं करना है और हमारी नियुक्ति के बाद
हम तीषा उत्पादन रेलवे का निकालेंगे।

अतः हमारी आप से कर्कट प्रार्थना है कि हम सभी उत्तीर्ण प्रशिक्षणार्थियों
को कुशल कारीगरों के रिक्त स्थानों पर नियुक्ति के आदेश पारित कर हमारे भविष्य
को उज्वल बनाने में सहयोग प्रदान करने की कृपा करें हम सब प्रशिक्षणार्थीगण आप के
आजीवन आभारी रहेंगे।

धन्यवाद

**नोट:- माह नवम्बर 1988, इकाईआप की इतिवृत्ति रक पारिया परिषाम
इतिवृत्ति संलग्न है।**

दिनांक 26/11/1988 - 19

नाम	टी०ए०ई०	क्र.सं.	फिर
सुनील कुमार सिंह	टी०ए०ई०	1	फिर
सुरेन्द्रमोहन जेटली	..	2	..
दिलीप कुमार अरोडा	..	3	..
खोश अली	..	4	..
रफ़ीत सिंह	..	5	..
धवल कुमार सिंह	..	6	..
विनीत कुमार उपाध्याय	..	7	..
सुरेश कुमार	..	8	..

Keerthi
नील कुमार सिंह
T.B. Arora
पुनः
पुनः
पुनः
पुनः

अजय अग्निहोत्री	टी०ए०ई०	10	वायरमैन	<i>Mr. Agnihotri</i>
योगेश प्रताप मठवाल	..	11	..	<i>Tejesh Mathwal</i>
अवधेश कुमार रावत	..	12	..	<i>AS Rawat</i>
शीतल प्रताप अग्रवाणी	..	14	..	<i>SPK Agrwani</i>
वीरेंद्र कुमार वास	..	15	ए०टी०/ए०ई०	<i>Virender Kumar Vas</i>
जयप्रकाश श्रीवास्तव	..	16
श्रीनिवास चारी	..	17

क्रियाविधि:-

- 1- *जेई* प्रकल्प उत्तर रेलवे, लीडर हाउस, नई दिल्ली आवश्यक कार्यवाही हेतु ।
- 2- मुख्य कार्यालय प्रकल्प, लीडर हाउस चारबाग लखनऊ आवश्यक कार्यवाही हेतु ।
- 3- उर मु० वि० अभियन्ता लीडर हाउस चारबाग लखनऊ आवश्यक कार्यवाही हेतु ।
- 4- सचिव प्र० आ० ए० मु० लीडर हाउस चारबाग लखनऊ आवश्यक कार्यवाही हेतु ।

=====

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den*

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A/S

CA

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW.

CIVIL MISC. APPLICATION NO. 205 OF 1990 (L)

REGISTRATION NO. (O.A.) 333 of 1989 (L)

SUNIL KUMAR SINGH AND OTHERS --- -- APPLICANTS.

VERSUS

UNION OF INDIA AND OTHERS --- RESPONDENT.

Fixed for 28-3/1990

APPLICATION FOR VACATION OF STAY ORDER:-

That for the facts and reasons disclosed in the accompany counter reply, it is most respectfully prayed that in the interest of justice, the stay order dated 6-12-1989, may kindly be vacated.

*Filed today
on 2/4/90*

*Reslag
A. N. L.
2/4/90*

A46

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH
LUCKNOW.

CIVIL MISC. APPLICATION NO 206 OF 1990 (L)

REGISTRATION NO. (O.A.) 333 of 1989 (L)

SUNIL KUMAR SINGH AND OTHERS APPLICANTS.

VERSUS.

UNION OF INDIA AND OTHERS RESPONDENTS.

Fixed for 28-3-1990.

PRIMIMINARY OBJECTIONS:-

1) That the alleged impugned order dated 26/28/10/1989 contained in Annexure No. A-2 to the application is issued pursuant to order dated 28-9-1988 contained in Annexure No. A-1 to the application.

AS

2) That since the applicants did not challenge the said Annexure No. A-1 dated 28-9-1988 within ~~the limitation~~ ^{the limitation} ~~time taken~~ period hence they can not now challenge the validity of Annexure A-2 dated 26/28/10/1989.

3) That it may further be clarified here that the applicants are actually aggrieved by the order dated 28-9-1988, contained in Annexure No. A-1 to the application, while the applicants have preferred this application only in the month of December 1989, without explaining the cause of

2)

(Contd..... "

delay, hence the applicants are not competent to challenge this order at this stage.

4) That in view of the aforesaid facts and reasons, the answering respondents crave leave of the Hon'ble Tribunal to *raise* the following preliminary objection which may be decided before taking up the case on merits.

PRILIMINARY OBJECTION:

1"Whether this application is barred by time as the actual cause of action accrued to the applicants on 28-9-1988."

LUCKNOW

Dated: 28.3.90

Anil Srivastava

(ANIL SRIVASTAVA)
ADVOCATE.

COUNSEL FOR THE RESPONDENT.

A48

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CIRCUIT BENCH,
LUCKNOW.

REGISTRATION NO. (O.A.) 333 of 1989 (L)

SUNIL KUMAR SINGH AND OTHERS APPLICANTS.

VERSUS.

UNION OF INDIA AND OTHERS , RESPONDENTS.

Fixed for 28-3-1990.

COUNTER REPLY ON BEHALF OF RESPONDENTS:-

I, Om Pal Singh working as Dy. Chief Electrical Engineer(W) in the office of Dy. Chief Electrical Engineer (W) Northern Railway, Loco Shop, Charbagh, Lucknow do hereby solemnly affirm and state as under:

- 1) That the official above named is working under respondents and is fully conversent with the facts and circumstances of the applicants case and has been authorised by the respondents to file this counter reply on their behalf.
- 2) That before ^{giving}~~going~~ parawise reply to the contents of the application, the following facts are necessary to be brought in the knowledge of this Hon'ble Tribunal for proper appriciation of the case;

(Contd.....2)

Om 26/3
एव मुख्य निवृत्त अभियन्ता
(कमेजाला) उत्तर रेलवे, लखनऊ

3) That there are two types of Apprentices who are trained by the Railway Administration :

(A) Those apprentices who are selected against the particular post under the Railway Administration and accordingly after ~~completion~~^{completion} of their training they are absorbed against those posts. These are purely departmental trainees.

(B) Those who are getting training under the scheme and directives of Government of India, Ministry of Labour under the Apprentice Act 1961. As per policy of the Government of India, such type of Apprentices are to be trained not only by Railways alone but by every other Industrial Organisations under the Government of India. The terms and conditions of these type of apprentices are governed by the Apprentice Act, 1961.

4) That the applicants ~~came~~^{come} under the second category of Apprentices i.e. their terms and conditions are to be governed by the Apprentice Act, 1961:

Section 22 of the Apprentice Act 1961 under which the applicant being trained is re-produced herein below for the convenience of this Hon'ble Tribunal:-

Section 22"1) It shall not be obligatory on the part of the employer to offer any employment to any apprentice who has completed the period of his apprenticeship training in his establishment, nor shall it be obligatory on the part of the apprentice to accept an employment under the employer.

(Contd..... 3)

रजि. नं. १०३३ अ. वि. म. म. म.
(कर्मचारी) उत्तर प्रदेश, लखनऊ

ASD

2) notwithstanding anything in sub-section (1) where there is a condition in a contract of apprenticeship that the apprentice shall, after the successful completion of the apprenticeship training, serve the employer shall on such completion, be bound to offer suitable employment to the apprentice, and the apprentice shall be bound to serve the employer in that capacity for such period and on such remuneration as may be specified in the contracts.

Provided that where such period or remuneration is not in the opinion of the Apprenticeship Adviser, reasonable, he may revise such period or remuneration so as to make it reasonable and the period or remuneration so revised shall be deemed to be the period or remuneration agreed to between the apprentice and the employer."

However, it is further clarified that there is no such condition as mentioned in clause (2) of section 22 of the aforesaid Act, in the case of any of the applicants ~~because~~ hence this clause would not be applicable in the case of the applicants.

5) That the Respondent No. 2 vide its order No. 220-E/W/Lucknow/Trade Apprentice dated 28-4-1982 and 25-5-1982 (wrongly stated as 29-5-1982 in the application) invited the applications for training

(Contd..... 4)

उप युक्ति विद्युत अभियन्ता
(कर्मचारी) - जल विद्युत, वाराणसी

as Act/Trade Apprentice under Apprentice Act 1961, The copies of the said orders dated 28-4-82 and 25-5-82 respectively a-re being filed herewith as Annexure No. C-1 and C- 2 to this reply.

6) That para 6 of the order dated 28-4-82 contained in Annexure No. C-1 to this reply, specifically, in most clear terms states that the Railway Administration would not at all be bound to take the said applicants in service after completion of their training ~~on the~~ course under Apprentice Act 1961

7) That it may further be clarified here that the training which was given to the applicants was given under the Apprentice Act 1961 and the completion of this training does not in any way automatically entitle the applicants the guarantee of service and neither the Railway Administration in any way is bound to take such person in service.

8) That under the Apprentice Act 1961, the Applicants were required to fill and sign a contract before they are sent for their training. A perusal of para 5 of the said contract specifically states " It shall not be obligatory on the part of the Employer to offer any employment to the apprentice on completion of the period of his apprenticeship training in his establishment nor shall it be obligatory on the part of the apprentice to accept an employment."

(Contd..... 5)

AS2

Para 2, of Schedule II of the said contract further states (contract Para 2 Schedule II)-

"The apprentice shall conduct himself as a trainee and not as a worker, learn his trade conciously and ~~deligently~~ deligently and endeavour, to qualify himself as a skilled craftsman in his trade before the expiry of the period of training. Save as provided in the Apprentice Act 1961 provisions of any law with respect to labour will not be applicable, to him."

A copy of said contract is being filed herewith as Annexure No C-3 to the reply.

9) That the contents of -Col. No. 1 and 2 of the application donot call for reply.

10) That the contents of Col. No. 3 of the application ^{are} denied.

That reply to the contents of col. No. 4 of the application are as below:-

11) That the contents of para (A) of the application are admitted.

12) That the allegations made in para (B) of the application so far the availability of vacancies on 28-4-82 and 25-5-82 (wrongly stated as 29-5-82) are concerned, are categorically denied. This allegation has been made only to confuse and mislead this Hon'ble Tribunal. The applicants are called upon to prove the same and also that they were given training to fill the alleged vacancies.

A53

Para 6 of the order dated 28-4-1982 is quite contradictory to the allegations made in the para.

The orders dated 28-4-1982 and 25-5-1982 are already filed as Annexure No. C-1 and C-2 to this reply.

13) That in respect of paras (C) and (D) of the application so far it is a matter of record is admitted but rest of the contents are denied.

14) That the contents of para (E) of the application are admitted. It is further stated that they were given and they have completed their training under the Apprentice Act 1961.

15) That the contents of para (F) of the application are categorically denied. The correct position has already been explained in the preceding paragraphs of this reply.

16) That the contents of para (G) And (H) of the application are denied. The applicants have also not given the details of the relevant provisions or policy on which they rely.

17) That the contents of para (I), (J) and (K) of the application are categorically denied.

A careful perusal of Annexure No. A-1 dated 28-9-88 would further clarify that the Railway Administration also invited the applications of the Act Apprentices who have successfully passed their


उप मुख्य दिवस अभियन्ता
(कर्मचारी) - २८. ९. १९८८

(Contd.....7)

training course while the Annexure No. A-3 dated ~~28~~ 19-10-89 to the application itself makes it clear that the applicants passed their training course only on 19-10-89 hence they were not eligible to appear for the said selection vide Annexure No. A-1.

The applicants entire claim is baseless and based on misleading facts as at the time of said selection vide Annexure No. 1 dated 28-9-88 they were not at all entitled to even appear for the said selection as at that time they were not declared successful in their respective training course.

The candidates who applied for the said selection as per terms and conditions laid down in Annexure No. A-1 as per policy of the Railway Board and who fulfilled the said conditions were called for written test and who were found successful in written test were called for interview and on the basis of said interview and the marks obtained by the candidates, the panel as contained in Annexure No. A-2 dated 26/28/10/1989 is formed and there is no illegality therein.

It is important to state here that out of sixteen persons mentioned in Annexure No. A-3 dated 19-10-1989 only six candidates namely:-

S/Shri S.C. Srivastava (Sl. No. 3), J.P. Srivastava (Sl. No. 9), Sri Niwas (Sl. No. 10), Ajai Agnihotri (Sl. No. 12), Yogesh Prasad Mathpal (Sl. No. 13) and Awdhesh Kumar Rawat (Sl. No. 15) applied for the posts

ASJ

contained in Annexure No. A-1 to the application though they were not eligible by virtue of their being course completed Act Apprentices but they were considered for the said selection on the basis of their other educational qualifications and fulfilment of all other conditions laid down as Annexure A-1. Out of the aforesaid six persons two persons namely S/Shri Ajai Agnihotri and Awadhesh Kumar Rawat were duly selected for the panel contained in Annexure No. A-2. Two persons namely S/Shri Satish Chandra Srivastava and Shri Niwas qualified the written examination but failed in the viva voice test. Shri Yogesh Prasad Mathpal could not qualify even the written examination and Shri J. P. Srivastava could not be found eligible being overage. The rest of the applicants did not even applied for the said recruitment as contained in Annexure No. A-1.

18) That the contents of para (L) of the application are categorically denied. There are persons in the pannel contained in Annexure No. A-2 who have completed their Apprenticeship training.

19) That the contents of para (M) of the application are cetegorically denied. The applicants are called upon to furnish documentry proof before this Hon'ble Tribunal to prove the allegations made in this para.


उत्तर प्रदेश अधिवक्ता
(कमजाला) उत्तर देवे, लखनऊ

(Contd..... 9)

ASB

20) That the contents of para (N) of the application are categorically denied. A perusal of Annexure No. A-3 would itself clarified the actual position.

21) That the contents of para (O) of the application are denied. No right of the applicants have been infringed and no arbitrary orders were passed as alleged.

22) That the contents of para (P) of the application do not call for reply. In view of the Hon'ble Tribunal's stay order, 10 posts were not filled by the answering respondents.

23) That the contents of para (Q) of the application are not admitted as alleged. Some of the applicants have also become overaged and most of them did not applied and those who applied and found suitable were selected for the pannel.

24) That in reply to the contents of para (R) of the application, the submission of the representation of the applicants are admitted.

25) The grounds mentioned are baseless, irrelevant, unwarranted and are not applicable to the instent case.

26) The applicants are not entitled to any relief rather this application itself is leable to be d&smitted.

LUCKNOW:
DATED: 28-3-90


(OM PAL SINGH)
उप मुख्य निदेश अधिकारी
(जनशाला) उत्तर केन्द्रे लखनऊ

AS7

1 10 1

VERIFICATION

I, the official above named do hereby verify that the contents of para 1 of this reply is true to my personal knowledge and those of paras 2 to 26 of this reply are believed by me to be true on the basis of records and legal advise.

LUCKNOW:

DATED: 28-3-90.



(OM PAL SINGH)

उप मुख्य विद्युत अभियन्ता
(कर्मचारी) उत्तर विद्युत, लखनऊ

उत्पत्तियुक्त उद्योगों/व्यवसायों की श्रेणियों, धारा 80-ई, आयकर अधिनियम, 1961 के अन्तर्गत

20-ई/उद्योग/व्यवसाय/ट्रेड अप्रेंटिस दिनांक 28/4/82

158

विषय :- विधिशिक्षणों के प्रशिक्षण हेतु भती के लिए।

सम्बन्धित व्यवसाय में शिक्षण अधिनियम / अप्रेंटिस ऐक्ट 1961 के अन्तर्गत 19 विधी शिक्षणों/एक्ट ट्रेड अप्रेंटिस के प्रशिक्षण हेतु सुयोग्य अभ्यर्थियों से प्रार्थना पत्र दिनांक 1-6-82 माय 16-30 तक आशुचित किये जाते हैं।

इन पदों में से 20/अशुचित जाति एवं 5/अशुचित जनजाति के लिए आरक्षित है।

श्रेणियाँ	प्रशिक्षण अवधि	शैक्षिक योग्यता
अ. फिटर	3 वर्ष	कम से कम कक्षा 8 पास किया हो
आ. टर्नर	3 वर्ष	
इ. इलेक्ट्रिशियन	3 वर्ष	मैट्रिक या समकक्ष या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण
ई. वायर गैर	3 वर्ष	
उ. कारपेन्टर	3 वर्ष	कम से कम कक्षा 8 पास किया हो।
ऊ. रेफ्रीजरेशन एण्ड एयर कन्डीशनिंग मैकेनिक	3 वर्ष	मैट्रिक या समकक्ष परीक्षा या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण
ए. लायनर अटैचडेन्ट	3 वर्ष	विज्ञान विषय के साथ मैट्रिक या समकक्ष परीक्षा या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण
ए. एमबीओ	3 वर्ष	मैट्रिक परीक्षा या समकक्ष परीक्षा या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण।

ओप वाइंडर/इलेक्ट्रिकल रोटेटिंग मशीनरी/आरमेचर।

3. अभ्यर्थी की आय 1.3.82 को 4 वर्ष से कम नहीं होनी चाहिए।

4. अभ्यर्थी का न्यूनतम शारीरिक स्वास्थ्य स्तर निम्न होना चाहिए।

क। ऊँचाई, बिना जूते के 136 सेमी।

ख। वजन 25.4 किलोग्राम

ग। सीने का फैलाव कम से कम 38 सेमी० होना चाहिए सीने की जाप का कोई प्रतिबन्ध नहीं है।

5. सभी प्रशिक्षार्थियों को अप्रेंटिस ऐक्ट 1961 के अन्तर्गत केवल विम्बतिष्ठित स्टाडीन्ड दिनांक 1-6-82।

प्रथम वर्ष रु 130.00 प्रतिमाह

द्वितीय वर्ष रु 140.00 प्रतिमाह

तृतीय वर्ष रु 150.00 प्रतिमाह

चतुर्थ वर्ष जहाँ अजिवाय हो रु 200.00 प्रतिमाह दिया जायेगा।

Review 23.07.82
" 24.07.82
" 25.07.82

Ref. 25/1.82

सम्बन्धित व्यवसाय में आई.टी.आई प्रशिक्षण अभ्यर्थियों को द्विवर्षीय अवशिष्ट प्रशिक्षण काल में 140.00 तथा एक वर्ष के प्रशिक्षण की अवधि के लिए रु 150.00 स्टाडी-पेन्ड प्रतिमाह होगा।

कृपया

Attested
K. Thavastan
Adv

सं 220ई0/उव्य/ तखड/देड एग्जिन्टस

दिनांक:- 25-5-82

विषय:- विधि सिंगुलरों के प्रशिक्षण हेतु मर्गों के लिये सूचना

सर्व संबन्धित से सूचित किया जाता है कि इस कार्यालय के उक्त विषयक समसंख्यक सूचना पत्रक दिनांक 28-4-82 द्वारा अधिसूचित आवेदन पत्र प्राप्त करने की अन्तिम तिथि निम्न संशोधनों के साथ 1-7-82 सांख्य 16-30 बजे तक बढ़ाई जाती है।

सन्दर्भित सूचना पत्रक में पृष्ठ संख्या 2 से कम सं 12 में उल्लिखित शब्द रेत सेवारत कर्मचारियों के साथ सेवासिवुत्त-रेत कर्मचारी बढ़ा जाये। अन्य सभी शर्तें पूर्ववत रहेगी।

यह सूचना उप मुख्य विद्युत अभि 1कर्म0 द्वारा अनुमोदित है।

राम शर्मा

उत्ते उप मुख्य विद्युत अभियन्ता 1कर्म0
उत्तर रेलवे चारवाग तखड

प्रतिनिधि:- 111 महाप्रबन्धक/कार्मिक/प्रधान कार्यालय 30रे0 बडौदा हाउस नई दिल्ली को उनके पत्र सं 844ई0/149-1/ई ई0ए0/दिनांक 5-10-81 के सन्दर्भ में प्रेषित

- 121 बेनीय विदेक एग्जिन्टस प्रशिक्षण, भारत सरकार गोविन्द नगर काजपुर-22.
- 131 उत्तर प्रदेश राज्य दत्तित कर्म जीवन चक्रियोजन तातवाग तखड।
- 141 अगोठ आश्रम कातली देहरादून।
- 151 रेलवे रंग सेवन्टस आफ इन्डिया गुलाबरी पीरवा जिता इलाहाबाद,
- 161 बरिष्ठ लेजा अधिकारी चारवाग तखड
- 171 प्रभावाचार्य तकलीकी पद्धति स्कूल चारवाग तखड
- 181 समस्त चाफ अलीक, मुख्य सहायक चाफ अलीक, मुख्य तखड पात चारवाग तखड आतमबान, एपीओ एग्जिन्टस/आतमबान, ई0-11 और ई-111.
- 191 सेवायोजन अधिकारी, सेवायोजन कार्यालय तखड को सूचनार्थ प्रेषित है।

राम शर्मा

उत्ते उप मुख्य विद्युत अभियन्ता 1कर्म0
उत्तर रेलवे चारवाग, तखड

Attested
Hmt Srivastava
Adv

CONTRACT OF APPRENTICESHIP

IN CASE OF THE MAJOR APPRENTICE

"This contract made this day of One Thousand
Nine Hundred Eighty Between M/s
carrying on business at

(hereinafter called the "Employer") of the First part; Shri
son of Shri Resident of

(hereinafter called the "Apprentice") of the Second part and Shri
son of Shri Resident of

..... (hereinafter called the "Surety" which expression
shall unless excluded by or repugnant to the context be deemed to include his heirs, executors,
administrators, representatives and assigns of the Third Part."

IN CASE OF THE MINOR APPRENTICE

"This contract made this day of One Thousand
Nine Hundred Eighty Between M/s
carrying on business at

(herinafter called the "Employer") of the First part; Shri
son of Shri Resident of

(hereinafter called the "Apprentice") of the Second Part and Shri
son of Shri Resident of

(hereinafter called the "Guardian") of the Second Part and Shri
son of Shri Resident of

..... (hereinafter called the "Surety"), which expression
shall unless excluded by or repugnant to the context be deemed to include his heirs, executors,
administrators, legal representaues and assigns of the Third Part."

Whereas the apprentice has requested the employer to engage him as an apprentice in the Trade
of or in such other trade for which he may be found suitable
during the period on probation designated under the Apprentices Act, 1961.

And whereas the employer having satisfied himself that the apprentice has all the requisite quali-
fications for being engaged an apprentice under Apprentices Act, 1961 and the Rules made thereunder has
agreed to engage him as an apprentice in his establishment on the terms and conditions hereinafter
appearing.

**NOW THESE PRESENTS WITNESSES AND IS mutually agreed by and between the
parties as follows :**

1. The employer hereby agrees to engage the apprentice as an apprentice in the designated trade of
..... or in such other trade for which he may be found suitable during the period on probation and the
Apprentice/Guardian hereby agrees to serve the Employer as an Apprentice as hereinafter provided
2. The period of Training shall be Years commencing from the date, the apprentice is asked
to report for training. In the event of the apprentice being unable to complete the full apprenticeship course
within the said period or to make the final test owing to illness or other circumstances beyond his control
the employer shall have the power to extend the period of his apprenticeship until the next is held. Similar
extension of the period of training may also be allowed by the employer in case the apprentice having
completed the course, fails in the final test. In case the apprentice fails in the second test he shall not be
allowed any extension of the period of training.
3. The apprentice hereby declares that no other Contract of Apprenticeship subsists already between him
and any other Employer before the expiry or termination of this Contract of Apprenticeship.

For Minor : The guardian of the apprentice declares that no other Contract of Apprenticeship
subsist already between him and any other employer in respect of the apprentice mentioned in the first recital
undertake that he shall not enter into and other Contract of Apprenticeship with any other employer in
respect of the aforesaid apprentice before the expiry or termination of this Contract of Apprenticeship.

Attested
for Seivastava, Adv.

Before the Central Administrative Tribunal, Circuit Bench,
Lucknow.

CM: 9/9000
A. No. 333 of 1989 (L)

Sunil Kumar Singh and others

Vs.

Railway Board and others.

Application for impleodment.

The application submit as under :-

1. That the OP 192 filed an objection on 20.12.89 raising a point that Union of India has not been made a party.
2. that in view to avoid technical objection the present application is being made with the proposed impleaders of party as under.
 - A. that after Opp. parties nos. 10 the following applicant party may kindly be allowed to added.

O.P.11 - Union of India, Ministry of Railways,
New Delhi, through the Secretary.

Wherefore, it is prayed that the above amendment may kindly be allowed.

सुनील कुमार सिंह

M.P. Sharma

Advocate
for the applicant.

4/1/90

In the Hon'ble Central Administrative Tribunal Circuit Bench,
Lucknow.

OA No. 333/of 1989.

Sunil Kumar Singh and others.

Vs.

Railway Board and others.

Application for rejection of the objection filed by
Opposite Party No. 1 & 2.

For the facts & reasons stated in the accompanied
affidavit, it is most respectfully prayed that the
Hon'ble tribunal be pleased to reject the objection
filed by opposite party No. 1 & 2.

44-1-90

(M.P. Sharma)
Advocate.

A67

In the Hon'ble Central Administrative Tribunal Circuit Bench,
Lucknow.

OA No. 333/of 1989.

Sunil Kumar Singh and others.

Vs.

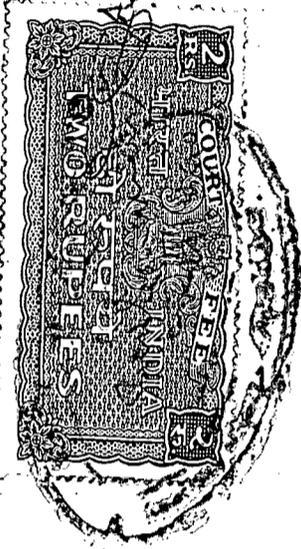
Railway Board and another.

Rejoinder affidavit of applicants against the objection
filed by OP 1 & 2.

I Sunil Kumar Singh aged about ²⁴ years S/o Shri Mathura Singh R/o E-II-J Rly. Qrs. C.P.H. Colony, Alambagh, Lucknow do hereby state on oath as under:-

that the deponent is one of the applicant in the above noted case, and he is well acquainted with the aforesaid case. He has also been authorised by other applicant nos. 2 & 10 to swear on their behalf and make reply properly.

2. that the deponent has read the objection filed by OP 1 & 2 and understand the contents thereof and is making reply as under:-
3. that contents of para-I of the objection need no comment.
4. that the contents of para 2,3,4 are ~~devide~~ ^{devide}. The applicants had moved an application for implemdent of Union of India and the present case is within time as the same is based an Annexure 2 to the application, when the Ann. 1 given effect too.
5. that in reply to para no. 5 of the objection it is submitted that being dependant, of Railway servant, all the applicants were entitled to be appointed on the post for which they have been given training.
6. that in reply to para 6 & 7 it is submitted that Rly. Board is a state within the meaning of article 12 of the constitution of India and it has the responsibility to treat the petitioner equally, fairly for their appointment in the Rly. service and also in preference to the persons, who, are being appointed at present. It is ^{the} right of the applicants to employment as contemplated under article 16 & 21 of constitution of India ^{and also} being the matter of their lively-good.
7. That the contents of para 8 are incorrect and ~~devide~~ ^{devide}. The fact is that in the year 1982, ~~there~~ ^{there} were 15 vacancies for which the training programme was chalked out and the selection of the candidates ^{applicants} were made for the purpose of appointment and not for ~~more~~ ^{more} training.
8. that the contents of para 9 are incorrect and ~~devide~~ ^{devide}. It is submitted that for the last 20 yrs. the Rly. Board and its administration is ^{the practice} adopting to train the dependents of Rly.



FOR STATE FILE

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servants have been given appointments on their trade posts. It is submitted that the applicants are also eligible to be appointed in preference to other newly/outside and untrained persons as has been referred in the application.

It is further submitted that the ^{discretion} description as claimed by the Rly administration is not absolute, ^{but} that it is required to be exercised in accordance with the provision of articles 14, 16, & 21 of the constitution of India, and also in a very reasonable manner.

9. That in reply to para 10 it is known to the Rly. administration that all the applicants were in departmental training and the examination has ^{been} held in April '89 and the result of afore-said exam. was under preparation of the Rly. administration, therefore alleged ann. I was meaning less and particularly all the persons named in annexure II was **not** qualified & eligible as per annexure I as till the date they are not trained. It is totally incorrect to say that the applicants were not eligible.

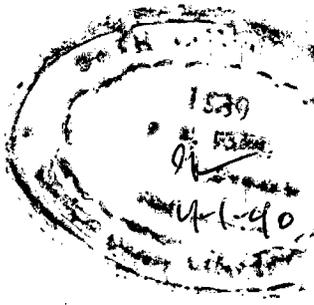
10. that the contents of para 11 are incorrect and devied. The other candidates as named in annexure-II to application, were also not eligible to appear in the said selection.

11. that in reply to para 12 it is submitted that persons named in annexure-II were untrained, outsiders and were also not eligible for the said selection & test. The elleged pannel has illegaly ^{been} made ^{and} ^{cause} the father of the persons ^{named} in annexure II, holding the higher posts and in a domination position and say in the Rly. administration as indicated below:-

1. Baljeet Singh S/o Shri Hurmail Singh — ^{Workshop Elec. Eng.}
2. Ashwani Kumar S/o Shri Faqir Chand Sharma — ^{Elec. Foreman}
3. Shakeel Ahmed Kidwai S/o Shri Ishaq Ahmad
4. Hemant Kumar Saini S/o Shri Laxmi Kant Saini
5. Ajai Agnihotri S/o Shri Yogendra Mohan — ^{Chief Tech. A.C.S.T.}
6. Mansa Ram S/o Shri Mata Badal
7. Arvind Kumar Singh S/o Shri Dan Pal Singh — ^{Ex. Vice President, N.R.M.U.}
8. Akhilesh Verma S/o Shri G.C. Verma — ^{Office Sub. St.}
9. Rahul Shukla S/o Shri G.N. Shukla — ^{Ex. President N.R.M.U.}
10. Awdhesh Kumar Rawat S/o Mohan Lal Rawat — ^{Change man}
11. P. Murlidhar Rao S/o Shri P.R.M. Rao — ^{A.C.S.T. Elec. Eng.}
12. Om Prakash Pal S/o Satya Narain Pal
13. Shahid Anwar S/o Anwarul Haq

12. that in reply to para 13 it is submitted that the elleged order contained in annexure-II is illegaly, arbitrary and discriminatory as well as in violation of article 14, 16, & 21 of the constitution of India.

13. that the opposite party no. 1 & 2 has not disputed the averment of the applicants as made in column No. 4 of the application therefore the same are stand admitted by them.



Handwritten signature/initials in the bottom left corner.

A69

13, That for the facts stated haen as above the objection of the opposite party No. 1 & 2 may kindly be rejected.

सुनील कुमार सिंह

Deponent.

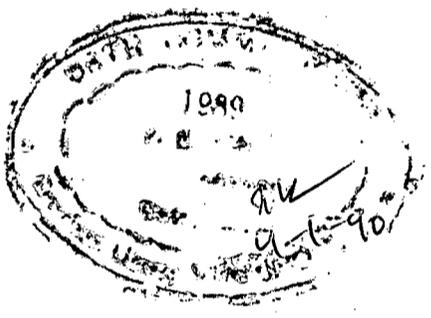
VERIFICATION.

I the above named deponent do hereby verify that the contents of para No. ^{12, 3, 5} 10 to 11, are correct to the best of my knowledge and those are para from ^{4, 7, 8, 9} to are believed by me to be correct on the basis of record and those para from ^{6, 12} to ¹³ are believed by me correct on the basis of legal advice tendered to the deponent.

सुनील कुमार सिंह

Deponent.

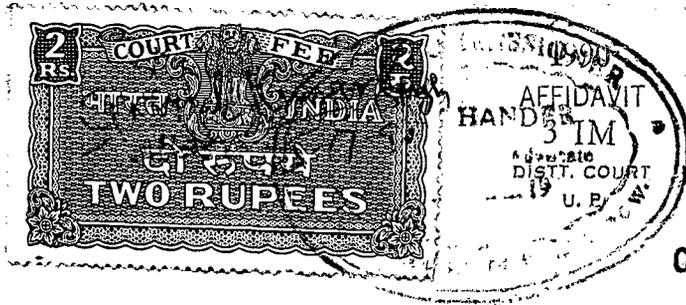
I know the deponent who had signed in my presence
M D Kulkarni



C.N.A.
10-40-9-
P.K. Pandey
4-1-90

Before the Central Administrative Tribunal,
Lucknow.

A70



O.A. No. 333/89

Shunil Kumar Singh and Others. ... Deponent.

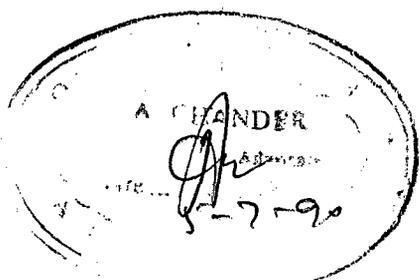
Versus

Railway Board and Others. ... Opp. Parties.

I Sunil Kumar Singh aged about 24 years S/o Sri Mathura Singh R/o C.P.H. Colony, Lucknow, do hereby state on oath as under :-

- (1) That the deponent is applicant No.1 in the aforesaid case and is well aquanted with the facts of the case. He has also been authorised to sworn on behalf of the other applicants No.2 to 9.
- (2) That in reply to Para 1, 2, 3 & 4 of the preliminary objection it is submitted that cause of action accrued to the applicant not on the date of order dated 23.9.88 but on the date 26/28-10-89 hence claim is within time.
- (3) That para No.1 of counter affidavit need no comment.
- (4) That in reply to Para No.2 & 3 (a) it is submitted that now departmental employees are not being selected by the Railway Administration since 1961,
(a) That para 3(b) & 4 is admitted with regards to the provision. It is further submitted that

*Recd duplicate
And Linnak
Ad
25/7/90*



Contd....2.

सुनील कुमार सिंह

it is a policy adopted by the Railway Administration, that wards/children of the working Railway's employees are selected for training against their quota's for the purposes of Trained them in different trades and to give employment in Railway, and this practice is prevailing for the last 20 years, and for example appointments letters issued to the persons trained under the apprenticeship training are endorsed herewith as Annexure No. 1620 and order of the Board is Annex 21.

(2)
4A

That in reply to Para No. 5 it is submitted that against the quota fixed for Railway, employee's children, the applicants were selected and trained in the different trades.

(4)B

That the contents of Para No. 6, 7 & 8 are not admitted. It is submitted that under the definition of Apprentice as per Volume I of the establishment Code and object of the quota fixed for the word of the Railway Employees, there is assurance given to the applicant for consideration of employment under the Railways and this practice is prevailing for the last 20 years. The alleged contract is void and ~~invalid~~ illegal as well as contrary to Railway Rules.

(5)

Para 9, need no comment.

(6)

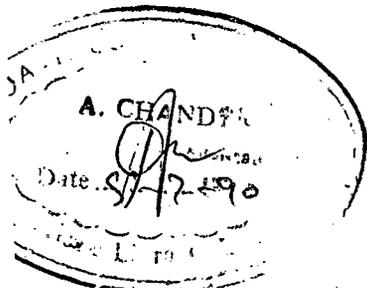
Para 6 in reply to Para 10 the contents of Para 3 & 4 of the application are reiterated.

(7)

That Para 11 need no comments.

(8)

That in reply to Para 12 it is submitted that in the year 1982 the applicants were selected for existing post. The Respondents have not supplied the information of existing and vacant post for

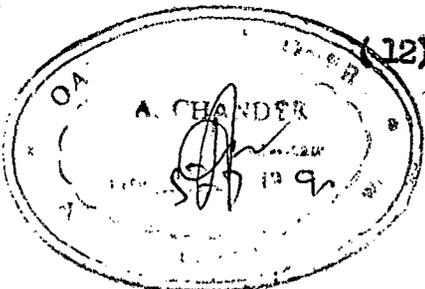


1982 and onwards, hence their reply is vague. In the order dated 28.4.82 past has been mentioned.

- (9) Para 13 & 14 need no comments.
- (10) That in reply to Para No. 15 & 16 the contents of para No. 'F', 'G', 'H' are reiterated. It is submitted that the Respondent have not claimed that there is no policy or Rule of the Railway Administration on the point.
- (11) That in reply to Para No. 7 the contents of Para No. L, J & K of the application are reiterated. It is further stated that all the selected candidates are near and dear sons of high official working in the Railway in the Lucknow and in view to give them under favour the alleged Notice was issued on 25.9.88 but the same was not effected in the year 1988 and so no advantages is to be given on the basis of that Notice. The applicants after passing the training were required to be given employment in preference to the alleged new comers. The alleged panel is illegal, discriminatory and effect the right to employment of the applicants.

It is further submitted that for trained applicants as evident from order dated 20.9.88, the Training or for further training/examination are not required. It is further submitted that the result of the Apprenticeship Training was not declared of the applicants. After completing the training, the applicants become eligible for appointment on the Posts in ~~xxxxxx~~ respective trades.

- (12) That in reply to Para No. 18, it is submitted that for the applicants the Railway Administration is required to consider their name for appointment and not for further training.



(13) That in reply to Para No. 19 it is submitted that as the department had not denied the facts of Para No. 18 and given evasive and vague reply hence it is ~~deemed~~ deemed to be admitted by the department.

(14) That in reply to Para No. 20 to 26 it is submitted that due to inaction, and discriminatory behaviour of the Railways Administration the applicants are not required to suffer, that at the material time all the applicants were within age. The applicants have right to employment under Art 16 of the Constitution of India and are eligible for appointment.

श्री नरेश कुमार सिंह
DEPONENT. 5-7-90

I, the above named deponent do hereby verify that the contents of Para No. 14, 4A to 11 are true to my own knowledge and those of Paras 13-16 to are believed by me to be true on the basis of records and those of Paras 13, 4B 5 to 7, 10, 12 are believe to be correct on the basis of legal advice.

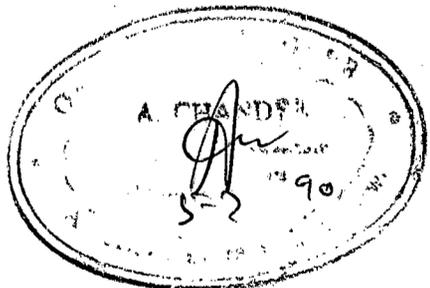
Lucknow:

श्री नरेश कुमार सिंह
DEPONENT. 5-7-90

Dated:

अनुराग
I solemnly and truly depone that the contents of this affidavit are true to the best of my knowledge and belief and I have signed the same in the presence of the undersigned Clerk to the Court who is duly sworn and who is present at the time of the making of this affidavit and who has explained to me the nature and effect of the same.

S. R. Ghosh
Deponent



Commissioner
LUCKNOW
5/7/90

Before the Central Administrative
Tribunal Lucknow

5

A74

S.K. Singh & others vs Rly Board and others

Annexure No 1

OFFICE OF THE DY.C.E.R. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220 TE/W/LKO/3

Dated 15-3-78

In. Ludhiana for Miss
S/o Sh. R.P. Misra

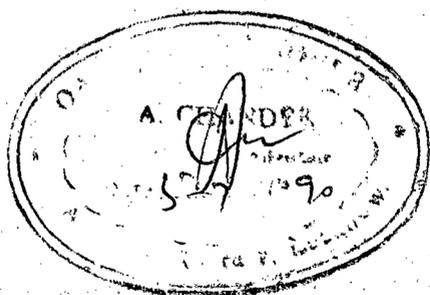
Subject:- Absorption of Art Apprentices under Dy.CEB(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade inc. B. 260-400 (IS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

MIS/...



प्रतिक्रिया के लिए

Before the Central Administrative Tribunal Lucknow
S. K. Singh & other v. Ply Board and others

6 A75

Annexure No 2

OFFICE OF THE DY. C. E. R. (V) / NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 22/TF/W/LKO/13

Dated 15-3-78

Sri Om Prakash Misra

S/o Sri A.P. Misra

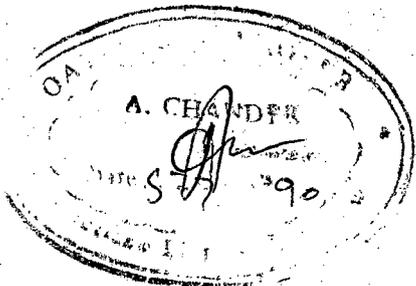
Subject: Description of Act Appointments under Dy. C. E. R. (V) / Lucknow.

You are hereby advised to attend this office at 10.30 hours on 15.3.1978 for interview in connection with your appointment in Billed grade No. 2. 260-600 (B) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will defer your claim for such appointment.

R. Lal
Dy. Chief Electrical Engineer (V),
Northern Railway, Charbagh, Lucknow.

RM/



सुनील कुमार मिश्र

Before the Central Administrative
Tribunal Lucknow

A76

S. K. Singh & others vs. Rly Board and others

Annexure No 3

OFFICE OF THE DY.C.E.E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 2207/11/LKO/3

Dated 15-3-78

[Signature]
Sh. Kamlesh Kumar
S/o Sh. B. D. Khare

Subject:- Absorption of Act Apprentices under Dy.CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade Iso. No. 260-400 (IS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

[Signature]
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

MIS/-



[Handwritten signature]

Before the Central Administrative Tribunal Lucknow

S. K. Singh & others vs Rly Board and others

Annexure no 4

OFFICE OF THE Dy. C.E.E. (V) / NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

Dy. C.E.E. (V) / Lucknow

Dated 15-3-78

Sh Viswender Babu

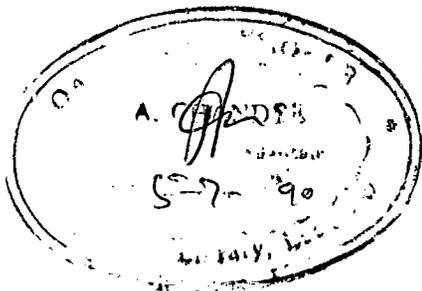
Subject:- Absorption of Act Apprentices under Dy. CEE(V)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade i.e. B. 260-400 (SE) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

Dy. Chief Electrical Engineer (V),
Northern Railway, Charbagh, Lucknow.

MIS/-



शुनील कुमार सिंह

Before the Central Administrative Tribunal Lucknow

S. K. Singh & others vs Dy. Board and others

Annexure no 5

OFFICE OF THE D.C.B.E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220TE/W/LKO/3

Dated 15-3-78

Sh. Vijai Kr. Verma

S/o S.L. Verma

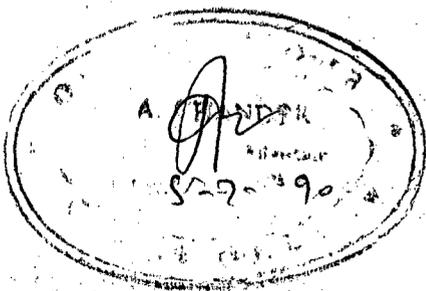
Subject:- Absorption of Act Apprentices under Dy.OEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade inc. B. 260-400 (ES) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

By Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

MIS/-



सुनील कुमार सिंह

Before the Central Administrative
Tribunal Lucknow

LO
A79

S. K. Singh & others vs. Ry Board and others

Annexure no 6

OFFICE OF THE DY. C. E. S. (W) / NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

22.07E/W/LKO/3

Dated 15-3-78

Sh. Sushil Kumar
70 Phool Chand

Subject:- Absorption of Act Apprentices under Dy. CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on
15.3.78 for interview in connection with your appointment in
Skilled grade pay. Rs. 260-400 (39) plus usual allowances.

Please note that failure to attend this office on scheduled
date and time will debar your claim for such appointment.

R. P. S.
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

M/S/



Sushil Kumar Singh

Before the Central Administrative
Tribunal Lucknow

11
A80

S. K. Singh & others ver Plyboard and others

Annexure No. 7

OFFICE OF THE DY.C.E.E.(W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220TE/W/LK0/3

Dated 15-3-78

Sh. Devendra Kr Malik
S/o. Malik Raj

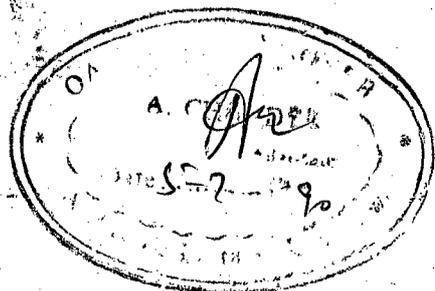
Subject:- Absorption of Act Apprentices under Dy.CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade inc. B. 260-400 (ES) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

MIS/-



सुनील कुमार सिंह

Before the Central Administrative Tribunal Lucknow 12
A81

S.K. Singh & others vs Rly Board & others

Annexure No. 8

OFFICE OF THE DY.C.E.E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220 TE/W/LKO/3

Dated 15-3-78

Sh. Suresh Chandra Pal

for Sh. R. D. Pal

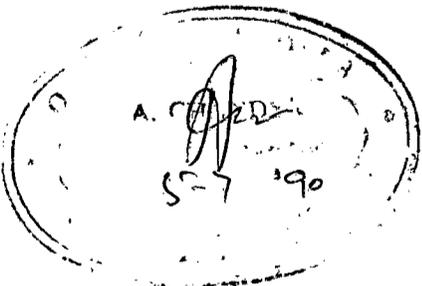
Subject:- Absorption of Act Apprentices under Dy.CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade i.e. B. 260-400 (SS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

NLS/-



सुनील कुमार मिश्र

Before the Central Administrative Tribunal Lucknow 13

Tribunal Lucknow

AB2

S. K. Singh & others vs. Ry. Board and others

Annexure No. 9

OFFICE OF THE DY. C. E. E. (W) / NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 22.OTE/W/LKO/3

Dated 15-3-78

Sh. N. K. Sharm of Bhairm Prasad

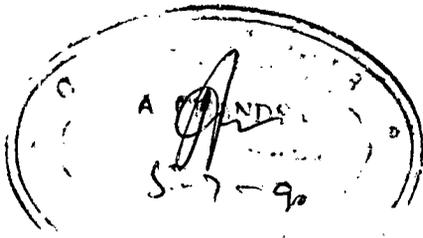
Subject:- Absorption of Act Apprentices under Dy. OBE (W) / Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade inc. B. 260-400 (IS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. Lal
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

NLS/- *ll*



शुभेन्द्र कुमार सिंह

Before the Central Administrative
Tribunal Lucknow

14
A83

S. K. Singh & others Vers Rly Board and others

Annexure No. 10

OFFICE OF THE DY.C.E.N. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220TE/W/LK0/3

Dated 15-3-78

Sh. Satya Prakash Tripathi

S/o Sh. M. P. Tripathi

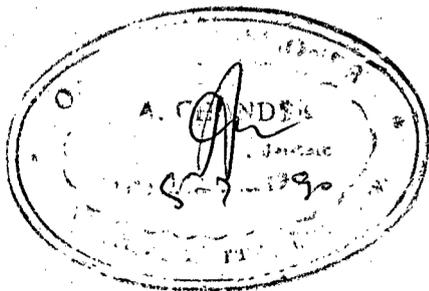
Subject:- Absorption of Act Apprentices under Dy.C.E.N.(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade inc. Rs. 260-400 (18) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. M.
Dy. Chief Electrical Engineer (H),
Northern Railway, Charbagh, Lucknow.

NLS/- *al*



सुनील कुमार सिंह

Before the Central Administrative
Tribunal Lucknow

15
A81

S. K. Singh & others Vers Rly Board and others

Annexure No. 11

OFFICE OF THE D.Y.C.E.M. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220TF/W/LKO/3

Dated 15-3-78

Mr. Sukh Dev Singh
S/o Sh. Charan Singh

Subject: - Absorption of Act Apprentices under Dy.CRE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade ins. No. 260-400 (A) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

P. Lal
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

RLS/-



कृपित जमाना

Before the Central Administrative
Tribunal Lucknow

16
AS

S. K. Singh & others vs Rly Board and others

Annexure no 12

OFFICE OF THE DY. C. E. E. (W) / NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220TF/W/LKO/3

Dated 15-3-78

✓ Mr. P. K. Singh

Mo Mr. B. B. Singh

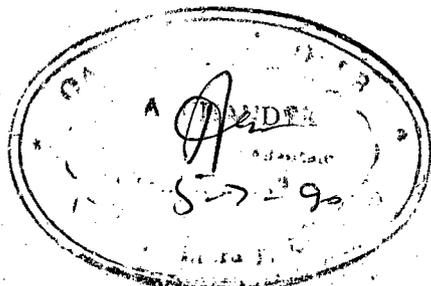
Subject:- Absorption of Let Apprentices under Dy. CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade imp. B. 260-400 (SS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. K. Singh
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

MSB/-



15-3-78

Before the Central Administrative
Tribunal Lucknow

17
A80

S. K. Singh & others vs. Reg. Board and others

Annexure No. 13

OFFICE OF THE DY. C. E. (W) / NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220 TE/W/LKO/3

Dated 15-3-78

Mr. Birendra Singh

S/o Mr. Puro Singh

Subject: Absorption of Act Apprentices under Dy. CE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade i.e. B. 260-400 (SS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. D. S.
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

MS/-



Chaitanya

Before the Central Administrative
Tribunal Lucknow

19
ASD

S. K. Singh & others vs. Ry. Board and others

Annexure no. 14

OFFICE OF THE DY. C. E. E. (W) / NORTHERN RAILWAY, CHARBACH, LUCKNOW.

No. 220 TE/W/LKO/3

Dated 15-3-78

Sh. Sia Ram Singh

S/o Sh. Ram Kr. Singh

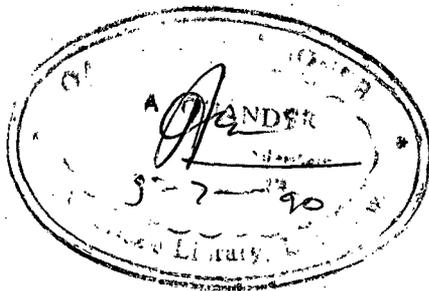
Subject:- Absorption of Act Apprentices under Dy. CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade inc. N. 260-400 (IS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. Lal
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbach, Lucknow.

NLS/- *al*



सहायक प्रमुख

Before the Central Administrative
Tribunal Lucknow

18
ASS

S de Singh & Others vs. Ply Board and others

Annexure No 15

OFFICE OF THE D.C.B.E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220 TE/W/LKO/3

Dated 15-3-78

Sd/- K. D. Awasthi

S/o Nagchwar Pd Awasthi

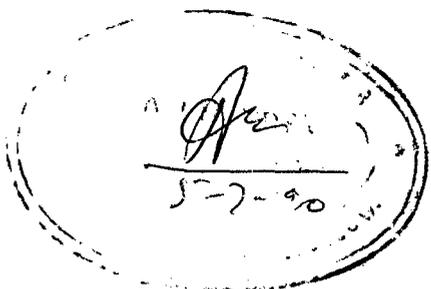
Subject:- Absorption of Act Apprentices under Dy.CBE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade i.e. B. 260-400 (B) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

Sd/-
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

MLS/-



Sd/- Nagchwar Pd Awasthi

Before the Central Administrative Tribunal Lucknow 20
AS9
S. K. Singh & others vs Rly Board and others

Annexure no. 16

OFFICE OF THE Dy. C. E. E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 22015/W/LK013

Dated 15-3-78

Sh. Mahendra Kr Tewari s/o V.P. Tewari

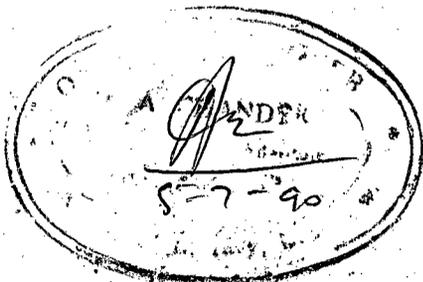
Subject:- Absorption of Act Apprentices under Dy. C. E. E. (W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade, i.e. B. 260-400 (B) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. Lal
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

M/S/- *dl*



पुनीसुभा (M/E)

Before the Central Administrative Appellate Tribunal Lucknow 2/

S. K. Singh & others vs. Pky Board and others

Annexure No 17

OFFICE OF THE DY. C. E. E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 22017/W/LK013

Dated 15-3-78

Sh. Avdesh Kumar Bajpai

S/o K. K. Bajpai

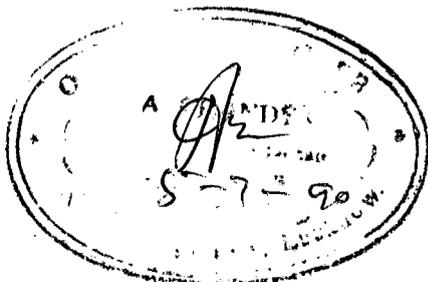
Subject:- Absorption of Act Apprentices under Dy. CEE (W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade i.e. W. 260-400 (SS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. K. Singh
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

NLS/- *al*



सुनीलकुमार सिंह

Before the Central Administrative Tribunal Lucknow 22
Sh. Singh & others vs. Railway and others A/1

Annexure no 18

OFFICE OF THE DY.C.E.R. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220TE/W/LKO/3

Dated 15-3-78

Sh. Om Prakash Gupta
to Sh. Jia Lal.

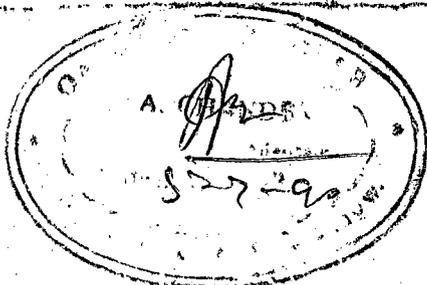
Subject:- Absorption of Art Apprentices under Dy.CER(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade ins. No. 260-400 (SS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

M/S/-



15-3-78

Before the Central Administrative
Tribunal Lucknow

23
A92

S. de. S. Singh & Others vs Rly Board and others

Annexure No 18

OFFICE OF THE DY.C.E.E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 220 TE/W/LKO/3

Dated 15-3-78

In witness hands Vishwakam
% R. K. Vishwakam

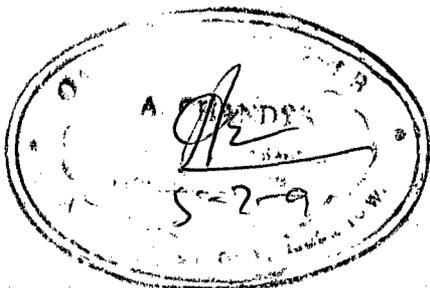
Subject:- Absorption of Act Apprentices under Dy.CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade i.e. B. 260-400 (B) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

M/S/-



श्री लक्ष्मी नारायण

Before the Central Administrative Tribunal Lucknow A93 24

S. K. Singh & others vs Rly Board and others

Annexure No 20

OFFICE OF THE DY. C. E. E. (W)/NORTHERN RAILWAY, CHARBAGH, LUCKNOW.

No. 2201E/W/LKO/3

Dated 15-3-78

Sh. Jasp Chand Misra s/o L.B. Misra

Subject:- Absorption of Act Apprentices under Dy. CEE(W)/Lucknow.

You are hereby advised to attend this office at 10.30 hours on 27.3.1978 for interview in connection with your appointment in Skilled grade i.e. Rs. 260-400 (SS) plus usual allowances.

Please note that failure to attend this office on scheduled date and time will debar your claim for such appointment.

R. J. J.
Dy. Chief Electrical Engineer (W),
Northern Railway, Charbagh, Lucknow.

NLS/- *dl*



सुनील कुमार मिश्रा

10-A
A-96-A
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,

CIRCUIT BENCH, LUCKNOW.

Civil Misc. Application No. 359 of 19

IN RE :

Registration (O.A.) No. 333 of 1989 (L)

CA
Sunil Kumar Singh and others ... Applicants.

versus

Railway Board and others Respondents.

Fixed For : 20.12-89

APPLICATION FOR VACATION OF EX-PARTE ORDER

PRAYER

FT
20/12/89
That for the facts and reasons stated in the accompanying soft counter reply, it is most respectfully prayed that in the interest of justice the ex-parte interim order granted on 6.12.89 may kindly be vacated and ad-interim order to the said effect may also be passed.

Lucknow :

Dated : 20.12-89

Anil Srivastava
ANIL SRIVASTAVA)
ADVOCATE

Counsel for the respondents.

A297

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CIRCUIT BENCH, LUCKNOW.

Registration (O.A.) No. 333 of 1989 (L)

B E T W E E N

Sunil Kumar Singh and others ... Applicants.

versus

Railway Board and others. ... Respondents.

Fixed For : 20.12.89

SHORT COUNTER REPLY ON THE BEHALF
OF RESPONDENTS.

I, *I. A. Khan* working as *Dy. Chief Elct*
Engineer (W) in the office of *Dy.* Chief Electrical
Engineer (Workshop) Northern Railway, Charbagh,
Lucknow do hereby solemnly affirm and state as
under -

1. That the official abovenamed is working under the respondents and is fully conversant with the facts and circumstances of the Applicant's case and has been authorised by the respondents to file this short counter reply on their behalf.;
2. That before giving ~~parawise~~ brief facts of the case, the answering respondents crave leave of this

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ese Hon'ble Tribunal to raise the following preliminary objections;

PRELIMINARY OBJECTIONS

- A. "Whether this application would be maintainable without impleading Union of India as a party"
- B. "Whether this application is barred by time as the actual cause of action accrued to the applicants on 28.9.88."
3. That ~~ist~~ it may be ~~elari~~ stated at the very out set that the applicants are actually aggrieved by Annexure No. A-1 dated 28.8.88, while the applicants have preferred this application only in the month of December 1989 without explaining the cause of delay hence the applicants are not competent to challenge this order at this stage.
4. That the order dated 26/28.10.89 contained in Annexure No. A-2 to the application is issued pursuant to the aforesaid order contained in Annexure No. A.1. Since the applicants did

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not challenged the said Annexure No. A-1 dated 28.9.88 within limitation period hence they also can not challenge the validity of Annexure A-2 dated 26/28.10.89.

5. That the respondents* No. 2 vide its order No. 220-E/W/Lucknow/Trade Apprentice, dated 28.4.1982 and 25.5.82 (wrongly stated as 29.5.1982 in the application) invited the applications for training as Act Trade Apprentice under Apprentice Act 1961, The copies of said orders dated 28.4-82 and 25.5.82 respectively are being filed herewith as Annexures No. C-1 and C-2 to this reply.

6. That para 6 of the order dated 28.4.82 contained in Annexure No. C-1 to this reply, specifically in most clear terms states that the Railway Administration would not at all be bound to take the said applicants in service after completion of their training course under Apprentice Act 1961.

7. That it may further be clarified here that the

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training which was given to the applicants was given under the Apprentice Act 1961 and the completion of this training does not in any way automatically entitle the applicants the guarantee of service and neither the Railway Administration, in any way is bound to take such person in service.

8. That the allegations made in para 4 (B) of the application so far the availability of vacancies on 28.4.82 and 25.5.82 (wrongly stated as 29.5.82) are concerned, are categorically denied. This allegation has been made only to confuse and mislead this Hon'ble Tribunal. The applicants are called upon to prove the same and also that they were given training to fill the alleged vacancies.

9. That it is further clarified here that the training given under Apprentice Act 1961 and the employment notice issued by the Railway Administration are two different and distinct procedure and their objects are also quite different. One who has completed the said training under Apprentice Act 1961 does not

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automatically become entitle to be taken in service of the Railway Administration through the employment Notice. However it is the sole discretion of the Railway Administration to invite the application for such trainees who have completed their training course under Apprentice Act 1961 to appear for the selection for direct recruitment for a skilled post or do not call them at all.

10. That a careful perusal of Annexure No. A-1 date d 28-9-88 would further clarified that the Railway Administration also invited the applications of the Act Apprentices who have successfully passed their training course under Apprentice Act, to appear in the selection for the post of skilled artisans grade III under 25 percent quota rule for direct recruitment. It may be specified here that the applications are invited of only those Act Apprentices who have successfully passed their training course while the Annexure No. A-3 dated 19.10.89 to the application itself makes it clear that the applicants passed their training course only

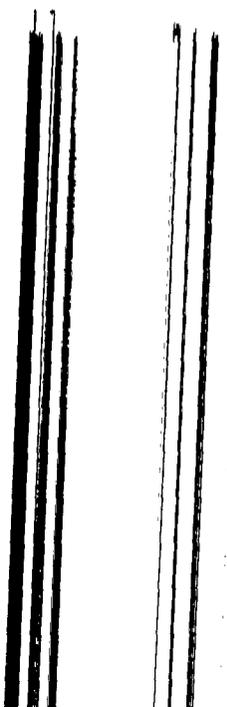
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on 19.10.89 hence they were not eligible to appear for the said selection vide Annexure No. A-1.

11. That the applicants entire claim is baseless and based on misleading facts as at the time of said selection vide Annexure No.-1 dated 28.9.88 they were not at all entitle to even appear for the said selection as at that time they were not declared successful in their respective training course .

12. That the candidates who applied for the said selection as per terms and conditions laid down in Annexure No. A-1 and who fulfilled the said conditions were called for written test and who were found successfully in written test were called for interview and on the basis of said interview and the marks obtained by



on 19.10.89 hence they were not eligible to appear for the said selection vide Annexure No. A-1.

11. That the applicants entire claim is baseless and based on misleading facts as at the time of said selection vide Annexure No.-1 dated 28.9.88 they were not at all entitle to even appear for the said selection as at that time they were not declared successful in their respective training course .

12. That the candidates who applied for the said selection as per terms and cenditions laid down in Annexure No. A-1 and who fulfilled the said conditions were called for written test and who were found successfully in written test were called for interview and on the basis of said interview and the marks obtained by the candidates the panel as contained in Annexure No. 2 dated 26/28.10.89 is formed and there is no illegality therein.

13. That in forming the panel as contained in Annexure No. 2 no illegality or discremination

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or violation of any rules have been committed and therefore the claim of the applicants is baseless and this application is fit to be dismissed.

Lucknow :

Dated : 20.12.89

SMM
(G. A. Khan)

VERIFICATION

I, the official abovenamed do hereby verify that the contents of para 1 of this reply is true to my personal knowledge and those of paras 2 to 13 of this reply are believed by me to be true on the basis of records and legal advice.

Lucknow :

Dated : 20.12.89

SMM
(G. A. Khan)

220-ई/उच्च/तज्ज्ञ/टेड अरेन्डिस

दिनांक 28/4/82

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विषय :- विधिविशेषों के प्राविण्य हेतु शर्तों के लिए ।

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विश्वविद्यालय व्यवसाय में शिक्षण अधिनियम / अरेन्डिस ऐक्ट 1961 के अन्तर्गत 19 विधी शिक्षणों/एक्ट टेड अरेन्डिस के प्राविण्य हेतु उद्योग्य अभ्यर्थियों से प्राविण्य पत्र दिनांक 1-6-82 तक 16-30 तक आयोजित किये जाते हैं ।

इन पत्रों में से 20% अनुचित जाति एवं 8% अनुचित जाति के लिए आरक्षित है ।

प्रकार	प्राविण्य अवधि	शैक्षिक योग्यता
अ. फिटर	3 वर्ष	कम से कम कक्षा 8 पास किया हो
आ. टर्जर	3 वर्ष	
इ. इलेक्ट्रिशियन	3 वर्ष	मैट्रिक या समकक्ष या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण
ई. वायर मैन	3 वर्ष	
उ. कारपोन्टर	3 वर्ष	कम से कम कक्षा 8 पास किया हो ।
ऊ. रेफ्रीजरेशन एण्ड एयर कन्डीशनिंग मैकेनिक	3 वर्ष	मैट्रिक या समकक्ष परीक्षा या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण
ए. वायतर अटैचडेंट	3 वर्ष	विज्ञान विषय के साथ मैट्रिक या समकक्ष परीक्षा या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण
ऐ. एडवोकेट	3 वर्ष	मैट्रिक परीक्षा या समकक्ष परीक्षा या 10+2 प्रणाली के अन्तर्गत 10वीं कक्षा उत्तीर्ण ।

अपेक्षाएं: इलेक्ट्रिक, रोटेटिंग मशीनरी/आरगेवर।

- उ. अभ्यर्थी की आयु 1.3.82 को 14 वर्ष से कम नहीं होनी चाहिए ।
- अभ्यर्थी का न्यूनतम शारीरिक स्वास्थ्य स्तर निम्न होना चाहिए ।
 - क। ऊंचाई: पुरुषों के 136 सेमी.0
 - ख। वजन 25.4 किलोग्राम
 - ग। सीढ़ी का फैलाव कम से कम 38 सेमी.0 होना चाहिए सीढ़ी की जाप का कोई प्रतिबन्ध नहीं है ।
- सभी प्राविण्यपत्रों को अरेन्डिस ऐक्ट 1961 के अन्तर्गत केवल विश्वविद्यालय सटाईस देना चाहिए ।

प्रथम वर्ष रु 130.00 प्रतिमाह	23/1/82	} Ref. 25/1/82
द्वितीय वर्ष रु 140.00 प्रतिमाह	26/1/82	
तृतीय वर्ष रु 150.00 प्रतिमाह	28/1/82	
चतुर्थ वर्ष जहाँ अभिवार्य हो रु 200.00 प्रतिमाह दिया जायेगा। = 350/प.००		

सम्बन्धित व्यवसाय में आई.टी.आई. प्राविण्यपत्रों को द्वितीय अवर्षित प्राविण्य कात में 140.00 तथा एक वर्ष के प्राविण्य की शर्तों के लिए रु 150.00 सटाई-पेन्ड प्रतिमाह होगा ।

कृपय 030

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