

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH : AT HYDERABAD :

O.A.No.568/89.

Date of Judgment : 31-01-1990.

K.P.Sai Kumar & another

...Applicants

Versus

The Chief Work Shop Manager,
South Central Railway, Lalaguda
Work Shop, Lalaguda, Secunderabad
& another.

...Respondents

COUNSEL FOR THE APPLICANTS : M/s Syed Shoreff Ahmad &
P.V.Venkata Rangam

COUNSEL FOR THE RESPONDENTS : Shri P.Venkatarama Reddy,
SC for Rlys.

CORAM:

HONOURABLE SHRI D.SURYA RAO : MEMBER (JUDL)

HONOURABLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

(Judgment as per Hon'ble Shri
D.Surya Rao, Member (J)).

The applicants herein ~~were~~ ^{have} undergone apprenticeship training at the Lalaguda workshop ~~in~~ ^{of} South Central Railway for a period of three years in the trade of Electrician. It is stated that the 1st respondent issued a notification for filling-up of 17 posts in the Electrical Department and 4 posts in Mechanical Department from among Schedule Caste candidates. Subsequently as a result of the written and oral tests 25 candidates were selected. It is contended that according to a circular dt. 9-3-1987, 50% of the direct recruitment posts are meant for the persons who have undergone ~~for~~ apprenticeship. It is further alleged

that no written test was held and only on the basis of the interview, the authorities selected 25 candidates and passed the impugned order dated 17-7-1989.

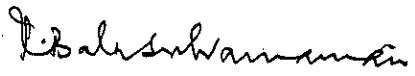
2. On behalf of the respondents a counter has been filed stating that there was no assurance given to the applicants that they will be appointed regularly after completion of the apprenticeship. Under section 22(1) of the Apprentices Act, 1961 and the agreement entered into by the applicants, there is no obligation on the part of the Railway Administration to offer any appointment to the apprentices. It is further contended that the circular dated 9-3-1987 is not applicable to the Railways. It is further contended that the revision of vacancies from 21 to 25 has been done with the sanction of Chief Personnel Officer, South Central Railway, who is the competent authority in this regard. It is further stated that the written test was dispensed with in order to hasten the selection process and this was after obtaining the sanction of the competent authority. It is further stated that the applicants had failed to obtain the minimum qualifying marks in the selection. It is therefore, contended that the application is liable to be dismissed.

3. We have heard the learned counsel for the applicant Shri Syed Shareff Ahmed and Shri N.R. Devaraj, learned

(SW)

standing counsel for the Railways. The main ground raised is that in accordance with the circular dated 9-3-1987 issued by the Ministry of Labour, in which it is stated that 50% of the direct recruitment posts are meant for the persons who have undergone apprenticeship training, first preference should be given to the apprentices trained by the same establishment. In the said circular it is clear that these rules are applicable to the Public Sector Establishments and Undertakings but not to any of the Government Departments including Railways. Further the agreement entered into between the applicants and the Railways Administration filed as Annexure-2 in the counter makes it clear that there was never any obligation to offer employment to the applicants on their being taken into Railways. The applicant has not therefore made out any case for grant of the reliefs prayed for. In the circumstances, we dismiss the application without costs.


(D. SURYA RAO)
Member (J)


(R. BALASUBRAMANIAN)
Member (A)

Dt. 31st January, 1990.
(Dictated in open court)
avl/vcr.


DEPUTY REGISTRAR (J) 19.2

TO:

1. The Chief Work-shop Manager, south central ~~Hyderabad~~ Railways, Lalaguda workshop, Lalaguda, Sec'bad.
2. The General Manager, S.C.Railways, Rail Nilayan, Sec'bad.
3. One copy to M/s Syed Shareef Ahmed, T.V. Venkata Rangam, Advocates, 3-6-725, Street No.11, Himayatnagar, Hyderabad.
4. One copy to Mr.P. Venkatarama Reddy, SC for Rlys., CAT, Hyd.
5. One spare copy.

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k.j.

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Draft by: Checked by: Approved by
D.R.(J)

Typed by: Compared by:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

HON'BLE MR. B. N. SAVASIMHA: (V.C.)

AND

HON'BLE MR. D. SURYA RAO: MEMBER (SUDL) ✓

AND

HON'BLE MR. J. NARASIMHA MURTHY: (M) (J) ✓

AND

HON'BLE MR. R. BALASUBRAMANIAN: (M) (A) ✓

DATED: 31.1.90

ORDER/JUDGMENT: ✓

M.A./R.A./C.A./No. 333

J.A.No.

(W.P.No.)

D.A.No. 568/89

Admitted and interim directions issued.

Allowed.

Dismissed, without costs. ✓

Disposed of with direction.

M.A. Ordered.

No order as to costs.

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31.1.90

