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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD .

DA 993/90.

Dt. of Order:10-11-93.

B.Jagadeshwara Rao

....Applicant

Vs.

1. The General Manager,
Ordinance Factory Project,
Ministry of Defence, Govt. of India,
Yeddumailaram, Dist. Medak (AP).

....Respondent

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Counsel for the Applicant : Shri Y.Suryanarayana

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

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CORAM:

THE HON'BLE JUSTICE SHRI V.NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN)

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....2.

OA No. 993/90

X AS PER SHRI V. NEELADRI RAO, VICE-CHAIRMAN X

Judgement dated 10-11-93.

Heard Shri Y. Suryanarayana, learned counsel for the applicant and Shri N.V. Ramana, learned standing counsel for the respondents.

The applicant is having diploma in Mechanical Engineering. The Director of Department of Technical Education, Hyderabad sponsored him for APPRENTISHIP TRAINING in the Ordnance Factory, Hyderabad. The training period was for one year. The training had to complete on 30-12-90. The posts of Supervisors (Tech/Mech/Electronic) have fallen vacant in November, 1990 in the Ordnance Factory. The apprentices who have not completed 25 years of age by 30-12-90 were called for interview. The applicant was not called for interview as he was aged more than 25 years as on that date.

It is not ⁱⁿ controversy that as on 30-12-90, the maximum age limit for the post of Supervisor was 25 years, if it is by way of direct recruitment. The date of birth of the applicant is 2-6-1964. The learned counsel for the applicant submitted that as the age limit for the ~~px~~ apprentices was 18 to 28 years during the relevant period, all the apprentices who ~~are~~ ^{were} within that age limit have to be absorbed as Supervisors.

Section 3 of the Apprentices Act, 1961 stipulates that one who is taken as apprentice should not be less than 14 years and it has not prescribed maximum age limit for being engaged as apprentice to undergo training as apprentice in any establishment. Section 22 of Apprentices Act lays down that it shall not be obligatory on the part of the employer to offer any employment to any apprentice who has completed apprentice training in his establishment. Thus one who has completed

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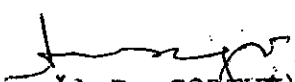
1. The General Manager, Ordnance Factory Project, Ministry of Defence, Govt. of India, Yeddumailaram, District Medak(A.P.)
2. One copy to Sri. Y.Suryanarayana, advocate, CAT, Hyd.
3. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
4. One copy to Library, CAT, Hyd.
5. One spare copy.

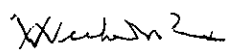
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training cannot contend that the employer has to absorb him in any particular job. It is stated for the respondents, that as per their recruitment rules, the posts of Supervisors have to be filled up from amongst the candidates sponsored by the Employment Exchange on requisition being given, and if there is not much time lag ^{between the date of} ~~within~~ the completion of the training of the apprentices ^{and} ~~on~~ the date ~~on~~ which the vacancies arise, the said posts can be filled up from amongst the apprentices instead of issuing a requisition to the Employment Exchange. There is no need to further refer to the same for disposal of this OA as the applicant was aged more than 25 years by 30-11-90, the date by which the apprentices were called for interview and as the said date has to be taken as the cut off date for satisfying the age limit.

The other contention for the applicant is that as the upper age limit of 35 years was reduced to 25 years in 1989 only, it is a case for relaxation of the upper age limit. It is not for the courts to relax the age limit. There are also no grounds for directing the respondents to consider ^{about} the age relaxation in this case. Thus there are no merits in this OA and accordingly it is dismissed with no costs.

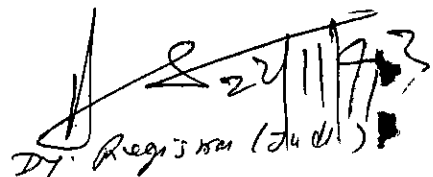

A.B. GORTHY)
Member (Admn.)


V. NEELADRI RAO
Vice-Chairman

I AS PER SHRI V. NEELADRI RAO, VICE-CHAIRMAN)

Judgement dated 10-11-93.

NS


Dy. Registrar (Judl)

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O.A. 993/90

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER(A)

Dated: 10/11/1993

~~ORDER/JUDGMENT:~~ _____

~~M.A./R.A./C.A.No.~~

~~Q.A.No.~~

in

993/90

~~T.A.No.~~

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

☒ Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

☒ No order as to costs.

pvm

