

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

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O.A.No.645/1995.

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Date of decision: 17th March, 1998.

Between:

Sri M.Ramana.

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Applicant.

and

1. The Assistant Administrative Officer
(Recruitment), Shar Centre, Department
of Space, Sri Harikota Range Post Office 524124,
Nellore District, Andhra Pradesh.
2. The District Employment Exchange Officer,
Employment Exchange, Nellore. Respondents.

Counsel for the applicant: Sri G.Jagedeswar.

Counsel for the respondents: Sri V.Bhimanna for Respondent No.1.
Sri P.Naveen Rao for Respondent No.2.

CORAM:

Hon'ble Sri R. Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

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JUDGMENT.

(per Hon'ble Sri B.S. Jai Parameshwar, Member (J)).

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Heard Sri G. Jagadeswar, the learned counsel for the
and
applicant. ~~None for the Respondent No.1.~~ ~~XXXX~~/Sri Phaniraj
for P. Naveen Rao, the learned counsel for the Respondent No.2.
None for the Respondent No.1.

The applicant underwent Apprentice Training for the
post of Office Clerk in SHAR CENTRE, ISRO, Sri Harikota, from
13-12-1990 to 30.4.1992. He submits that on completion of
the apprentice training he had submitted a letter of request
to the Respondent No.1 for considering his case for the post
of Office Clerk in the SHAR CENTRE as and when the recruitment
was initiated. He came to know that the 1st respondent had
conducted ~~interviews~~ on 11th and 12th April, 1995 for filling up
the post of Office Clerk in the said organisation. It is
his case that he having been undergone apprentice training
in the Shar Centre, he should have been given an opportunity
to appear for the interview. As he was not given such an
opportunity he filed this O.A., ^{praying} to declare the action of the
Respondent No.1 in interviewing the candidates except the
applicant on 11 and 12th April, 1995 for the post of
Office Clerk "A" in ~~SHAR Centre~~ the Respondent No.1's
Organisation as illegal and arbitrary and to set aside the same

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and consequently to direct the Respondent Organisation to consider the applicant for the interview and written test for the post of Office Clerk "A" in the 1st Respondent's Organisation and till the applicant is interviewed, the Respondent No.1 shall not proceed further with the selection process.

On 16-5-1995 the Tribunal passed an interim order stating that in case any appointment was going to be made to the post of Office Clerk in the Respondent No.1's Organisation, the same should be subject to the result of the O.A., and that the same should be mentioned in the Order of appointment.

The respondent has filed their counter stating that there is no obligation on the part of the Respondent No.1's Organisation to offer any appointment to the candidates who completed the period of apprentice training. Further, it is stated that Government of India provided reservation of 50% of direct recruitment vacancies for appointing Ex-Apprentices. According to the procedure laid down in the O.M. dated 10-1993 (Annexure-C to the O.A.,) for filling up such posts, the Employment Exchange, the Respondent No.2, was requested to sponsor the names of eligible candidates for filling up the said 50% direct recruit vacancies for appointing ex-apprentices.

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Further, they state that in the said process, two posts of O.C.'A's., were to be filled in by the Ex-Apprentices. Hence, a reference was made to the Employment Exchange on 13.12.1994 (Annexure-D) for ~~sponsoring~~ the names of the Ex-Apprentices for being considered against the above vacancies. It is stated that the Employment Exchange, Nellore by their letter dated 19-12-1994 (Annexure "E" to the reply) had intimated that there were no suitable candidates with requisite qualifications who had undergone apprentice training in the Respondent No.1's organisation. On receipt of the said non-availability certificate from the Employment Exchange, Nellore, the Centre sent call letters for candidates who had recently undergone training in the centre. Hence, it is stated that a list of 34 candidates who had successfully completed Apprenticeship training from 1.6.1993 to 20.2.1995 from the latest candidate to backwards was furnished by the Human Resources Development Cell. In the said list, the name of the applicant could not be figured as he had completed the training during December, 1991.

The Respondent No.2 filed reply stating that the applicant registered his name with the Employment Exchange on 26-5-1992 with the qualifications S.S.C.(2nd Class), Inter and Diploma in Commercial & Computer Science. He had undergone apprentice training in Shar Project. He got

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entered the Apprenticeship in his office only on 3.5.1995 whereas the Order processed for submission was 19-12-1994. - ~~that~~ that Respondent No.2 submits /the applicant was not qualified for the post as on 19-12-1994 as such his name was not selected by the Computer.

The applicant underwent training in SHAR CENTRE, ISRO, Sri Harikota from 13-12-1990 to 30.4.1992. The shar Centre admitted to have filled up two posts against ex-Apprentices.

The first contention of the applicant is that he had registered his name with the Employment Exchange wayback in the year 1992 itself. That he had registered his name with the Employment Exchange in the year, 1992, he relies on the Certificate wherein No. 3 2 0 2 1 is written. He submits that the No.32021 is his Registration Number and that Number indicated that he had registered his apprentice training at the initial stage itself. But we are not convinced with the submission of the applicant because the mere No32021 would not indicate that he had registered his apprentice training at the time of initial registration wayback in the year, 1992. Hence, we called for the records maintained by the 2nd Respondent in this connection. The records were

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produced today. There are two registers maintained by the 2nd respondent. The first register is called "Applications Registration Register" and the second Register is called "Additional Qualifications Register". The first Register, "the Applications Registration Register" shows that the applicant had registered himself initially with the Employment Exchange on 26-5-1992. At that time the qualifications entered in that Register are -- "HSC, Inter, Diploma in Commerce and Computer Science". In the Second Register, viz., "Additional Qualifications Register", the applicant has given his Additional qualification on 3-5-1995. In that Register, the Apprenticeship Training has been mentioned. Hence when the respondent No.2 submits that the applicant got his apprenticeship noted in the Additional Qualifications Register during the year, 1995, that submission cannot be taken as incorrect as the applicant is not able to prove that he had registered his apprenticeship training at the stage of initial registration. Hence this contention is rejected.

The second contention of the applicant is that he is very much senior apprentice to those who had completed the apprenticeship training successfully but he was not called for interview, whereas his juniors who had completed apprenticeship training later than him were called for interview and were selected. Hence he prays

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that he has to be preferred to others who had completed their apprentice training later than him. It is stated that the applicant had completed the training from 13.12.1990 to 30.4.1992 and was graded as "Very Good" by the Competent Authorities.

The respondents submit in the reply that when no such apprentice was available on the live register of the Employment Exchange and the Employment Exchange issued a non-availability certificate, then the employer was free to appoint an Apprentice of the recent batch trained by them without reference to the Employment Exchange. The applicant in his rejoinder in para 7 appears to have feebly contest^{ed} the submission of the respondent ~~and submit that~~ by stating that all the apprentices who had completed their period of training and ^{were} ~~are~~ eligible for consideration for the selection in question should have been called for selection and only calling for the candidates from the recent trained batch is incorrect. We see some force in this submission of the learned counsel for the applicant. The respondents have not quoted any rule or circular to state that if the Employment Exchange failed to sponsor any apprentices against the requisition then only the recent batch trained by them should be called for selection. In that view of the

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matter we feel that the submission of the applicant has to be given credence in this connection.

In view of the above observations, we feel that the applicant should have been called for the interview along with the others for filling up the post of office Clerk "A" in the year 1995 selection. However, the applicant can be called for interview, if any of his juniors were called for the interview ignoring his seniority on the basis of date of successful completion of the apprenticeship training. It is for the respondents to check-up whether any of the juniors to the applicant had been called for interview and if some of his junior/s were called for interview for selection to the post of Office Clerk "A", then the applicant is entitled to be called for interview for selection.

If the applicant is called for interview and is found fit for the post, his name has to be included in the select list of candidates who happened to be junior to the applicant.

The applicant submits that one Jareena and Hemalata who underwent apprentice training later than him were selected and appointed. But unfortunately, the applicant having known this fact has not taken steps to implead those persons in this O.A. Hence, any order given in favour of the applicant for his appointment, in case, he qualifies in the/ selection will

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be detrimental to the interests of those two candidates who have already been selected and appointed. In the absence of those two persons who are not impleaded in this O.A., we cannot pass any orders for appointment of the applicant and revert or terminate the services of one of the selected candidates. Hence before passing any orders, we have to borne in mind the interests of the selected candidates also.

In view of the above, the following directions are given:

- i) The applicant, if he is eligible to be considered for the post of Office Clerk "A" by fulfilling the Educational qualifications as well as the age on the last date of the Notification issued in the year, 1995, then the applicant should be considered for the said post along with the other apprentices considered for the selection, provided some of the junior apprentices in preference to the applicant had been considered for the selection.
- ii) If, in pursuance of the above direction, the applicant is empanelled in the select list then the applicant should be given posting as Office Clerk "A" against the vacancy which is in existence now or

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against the vacancy arising in future in order
to avoid the deletion of ~~the~~ name of any
of the persons from the earlier select list
who had already been selected and appointed.

iii) If in pursuance of directions (i) and (ii)

the applicant is appointed, then his pay will
be fixed ^{at the minimum of the category pay of the class 'A'} from the date of his joining the
post as Office-Clerk "A" and his seniority ^{in that category}
will be counted from the date of his entry
into service in the above said post.


iv) Time for compliance four months from the
date of receipt of a copy of this Order.

With the above directions, the O.A., is
ordered. No costs.



B.S. JAI PARAMESHWAR,
Member (J)

17.3.98

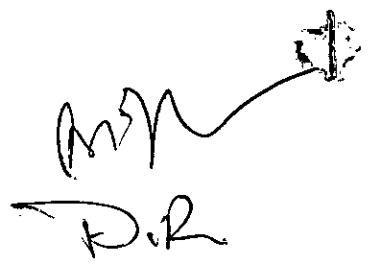


R. RANGARAJAN,
Member (A)

Date: 17-3-1998.

Dictated in open Court.

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DA.645/95

Copy to:-

1. The Assistant Administrative Officer, (Recruitment), Shar Centre, Dept. of Space, Sri Harikota Range Post Office, Nellore.
2. The District Employment Exchange Officer, Employment Exchange, Nellore.
3. One copy to Mr. G.Jagadeswar, Advocate, CAT., Hyd.
4. One copy to Mr. V.Shimanna, Addl.DGSC., CAT., Hyd.
5. One copy to Mr. P.Naveen Rao, Advocate, CAT., Hyd.
6. One copy to BSJP M(J), CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. B. RANGARAJAN : M(A)

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED: 17/3/98

ORDER/JUDGMENT

M.A./R.A/C.A.NO.

in

S.A.NO. 645/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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