

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYD-RABAD

C.A. 1109/95.

Dt. of Decision : 30-4-97.

B.S.S.V.Ratnam

.. Applicant.

Vs

1. The Nuclear Fuel Complex, rep. by its Chief Executive, ECIL Post, Hyderabad-762.
2. The Officer-in-charge, Apprenticeship Training, Southern Region, Madras. .. Respondents.

Counsel for the applicant : Mr.P.B.Vijaya Kumar

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

(ORAL ORDER PER HON'BLE SRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

Heard Mr. Durga Rao for Mr. PBB. Vijaya Kumar, learned counsel for the applicant and Mr. N.R. Devaraj, learned counsel for the respondents.

2. The applicant being unemployed registered her name with the District Employment Exchange, R.R. District. The respondent No.1 requested the Employment Exchange to sponsor the candidates for the post of Commercial Apprentices under Apprenticeship Act, 1961. In response to the said request the employment exchange forwarded names of certain candidates including the applicant. On selection, the applicant joined the respondent No.1 as an apprentice on 24.1.94. When the Apprenticeship Contract Registration Cards in respect of these Apprentices were sent to the Board of Apprenticeship Training, Southern Region, Madras, for registration, the Cards in respect of some candidates including the applicant were returned on the ground that they had not passed any specified subject ^{in the} fields of vocational course at +2 level, that such cases could not be considered under the Apprenticeship scheme and the training underwent by such candidates could be treated as the training out-side the purview of The Apprenticeship Act, that accordingly, the applicant was informed about the decision of the Board and that she was allowed to continue the training as an out sider. She completed the training and later ^{from the} requested for apprenticeship certificate ^{to} Respondent-1.

3. When the respondent No.1 requested for forwarding the names for the post of Stenographer during August 1993 then the District Employment Exchange forwarded the names and also requested R-1 to consider the candidates who were earlier ^{sponsored} ~~considered~~ for apprenticeship in 1993. Accordingly, the case of the applicant was considered for the post and it is submitted that she failed in the test.

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4. The applicant has filed this OA praying this Tribunal to direct the respondents to engage her as Junior Stenographer or in any other suitable post in preference to out sider and without reference to employment exchange ~~or~~ sponsorship in the immediate or existing vacancy and also direct the respondent No.1 to pay her the difference of pay by taking the salary of the regular stenographer and pass such other relief or reliefs.

5. A counter has been filed saying that the applicant was not qualified ^{to} undergo apprenticeship training that she underwent training as an out sider that her case for the post of Stenographer was considered and she failed in the test and therefore the applicant cannot ^{be in} taken ^{any} post of Stenographer in the respondents organisation.

6. It is clear that the applicant was not qualified for undergoing apprenticeship training under the Apprenticeship Act. She was informed of that fact. She herself completed ^{the} training as an out sider. Annexure R-3 establishes the said fact. Now coming to the question of her selection as Stenographer it is clear that the R-1 provided an opportunity to the applicant on the basis of the request made by the employment exchange to consider the case of the candidate who are forwarded post the apprenticeship during 1993. Even though the District employment exchange, R.R.District was not competent to say so still the R-1 provided an opportunity to the applicant to undergo the test for Stenographers and she failed in that test. Hence, she cannot claim for posting against two stenographer posts for which the sponsorship was asked for. The applicant should have challenged the order ~~xxx~~ dated 16-5-94 when she was informed that she was not eligible to undergo the Commercial Apprenticeship Training. Even when she was refused for issue a certificate for the apprenticeship training that order was also not challenged.

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Under the circumstances no relief can be given in this OA when important letters rejecting her candidature for the post of her apprenticeship training was refused by the respondents remaind unchallenged. Hence, the OA is liable to be dismissed. However considering the facts and circumstances and of the case the only direction that can be given in this OA is that the applicant should be considered if sponsored by the Employment Exchange for the post of Stenographers in NFC when requisition ^{is} ~~was~~ placed on the Employment Exchange in future.

7. In the result, the following direction is given:-

The OA is dismissed. However this dismissal order does not stand in the way of the Employment Exchange to sponsor her name in her turn as per rules for future vacancies in NFC if requisition is placed by the NFC authorities on the ~~Employment Exchange~~ Employment Exchange for sponsoring the candidates.

8. No order as to costs.

B.S. Jai Parameshwar

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

30.4.97

Dated : The 30th April 1997.
(Dictated in the Open Court)

spr

R. Rangarajan

(R. RANGARAJAN)
MEMBER (ADMN.)

D. E. (J)

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Copy to:

1. The Chief Executive, Nuclear Fuel Complex, ECIL Post, Hyderabad.
2. The Officer In Charge, Apprenticeship Training, Southern Region, Madras.
3. One copy to Mr.P.S.Vijaya Kumar, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CBSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One duplicate copy.

+ Copy HBSJ, MGT, CAT, Hyd.

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TYPED BY
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CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

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

DATED 30/4/97

ORDER/JUDGEMENT

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

in
O.A. NO. 1109/95

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

13 JUN 1997

हृदयस्वास्थ्य प्रायोगिक
HYDERABAD BENCH