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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

O.A No.135/99

Date of order: 16/8/2000

Ramesh Chand Dhobi, S/o Shri Ram Nath Dhobi, R/o Neem Chowki, Near Bhandilya Sadan, Sawai Madhopur.

...Applicant.

Vs.

1. Union of India through Under Secretary Central Water Commission, Room No.513, Sewa Bhawan, R.K.Puram, New Delhi.
2. The Superintending Engineer (Coordination) Yamuna Basin (CWC) Kalindi Bhawan, Katwaria Saraya, New Delhi.

...Respondents.

Mr. Manish Bhandari - Counsel for applicant

Mr. Sanjay Pareek - Counsel for respondents No.1 to 3

CORAM:

Hon'ble Mr. S.K. Agarwal, Judicial Member

Hon'ble Mr. N.P. Nawani, Administrative Member.

PER HON'BLE MR. S.K. AGARWAL, JUDICIAL MEMBER.

In this Original Application under Sec.19 of the Administrative Tribunals Act, 1985, the applicant makes a prayer to direct the respondents to appoint the applicant on the post of Junior Engineer in the respondents' department keeping in view the apprenticeship made by the applicant and the letter of the respondents recommending the applicant for giving preference to the applicant in the matter of appointment.

2. In brief facts of the case as stated by the applicant are that he was invited for training under the provisions of Apprenticeship Act and he was given posting at Bhimganj Mandi, Kota, vide order dated 16.11.94 for one year. On completion of the training, the candidature of the applicant was recommended for appointment and he was advised to make an application as and when the post is advertised. Thereafter, the respondents' department invited applications for fillingup of the post of Junior Engineer and in pursuance of that the applicant submitted an



application alongwith necessary documents before the competent authority on 2.6.98. The applicant has also made further request to consider his candidature sympathetically in view of the judgment of the Hon'ble Supreme Court, giving preference to the trained apprentices and he was assured for consideration of his candidature. It is stated that the respondents have recently issued an order regarding appointment of candidates but name of the applicant does not appear in that list. It is stated that by not considering the candidature of the applicant for the post of Junior Engineer is totally illegal, arbitrary and not giving preference to the applicant is also illegal and arbitrary as provided in the judgment of the Hon'ble Supreme Court. It is further stated that the applicant is reaching to coverage in near future and this would be the last chance for his appointment. Therefore, the applicant filed this O.A for the relief as mentioned above.

3. Reply was filed. In the reply, it is stated that on completion of apprentice training if any recommendation is made by the authority who imparted the training does not confer any right upon the applicant for seeking appointment as a matter of right. The respondents neither advertised the vacancies nor invited any applications from Employment Exchange, yet the applicant submitted an application on 29.1.98 seeking employment as Junior Engineer and he was apprised that his candidature would be considered alongwith others as and when requirement arise. The applicant has not submitted any details about the issuance of order regarding appointment of candidates in the respondents's department and in the absence of the same it is difficult for the respondents to give an effective reply. It is also stated that the applicant has erroneously interpreted the judgment of the Apex Court. Therefore, the applicant has no case and merely completion of apprentice training does not confer any right upon the applicant for appointment.

4. Rejoinder has also filed reiterating the facts as stated in the O.A which is on record.

5. Heard the learned counsel for the parties for final disposal of



the O.A at the stage of admission and also perused the whole record.

6. In U.P. State Road Transport Corporation & Anr. Vs. U.P. Paribahan Nigam Shishuks Bercsgar Sangh & Ors, reported in 1995-ii-LLR-854, Hon'ble the Supreme Court has laid down the following guidelines in para 12 of the judgment:

"In the background of what has been noted above, we stated that the following would be kept in mind while dealing with the claim of trainees to get employment after successful completion for their training:

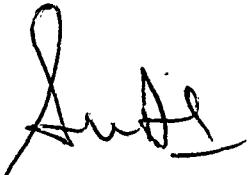
(1) Once things being equal, a trained apprentice should be given preference over other direct recruits;

(2) For this, a trainee would not be required to get his name sponsored by any employment exchange. The decision of this Court in Union of India Vs. N.Haragopal, 1987-1-LLJ-545 (SC) would permit this.

(3) If age bar would come in the way of the trainee, the same would be relaxed in accordance with what is stated in this regard, if any, in the service rule concerned. If the service rule be silent on the aspect, relaxation to the extent of the period for which the apprentice had undergone training would be given.

(4) The training institute concerned would maintain a list of persons trained year wise. The persons trained earlier would be treated as senior to the persons trained later. In between the trained apprentices, preference shall be given to those who are seniors."

7. As per the above judgment of the Apex Court, the trained apprentices are entitled to exemption from recommendations from Employment Exchange and relaxation regarding the age bar to the extent



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of the period of their apprenticeship but they are not entitled to exemption from appearing in the competitive examination/test as it has been held in Arvind Gautam Vs. State of U.P & Ors.

8. In A.Suresh Babu Vs. AFSEB, Hyderabad & Ors., reported in 1999(1) ATJ 387, it was held by Andra Pradesh High Court that preference can be given to a trained apprentice over other direct recruits if other things being equal - trained apprentice cannot claim preferential treatment if they have failed in written test and interview.

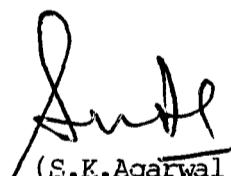
9. In the instant case, the applicant has not even submitted his application in pursuance of any advertisement and he has also failed to establish the fact that some body was appointed on the post by ignoring the candidature of the applicant, whereas vide letter dated 2.6.98, the respondents have made very clear that the request of the applicant has been noted and his case will be considered alongwith others as and when recruitment is held.

10. Therefore, in view of the settled legal position and facts and circumstances of this case, the applicant has no case for interference by this Tribunal and this O.A is devoid of any merit is liable to be dismissed.

11. We, therefore, dismiss the O.A with no order as to costs.


(N.P.Nawani)

Member (A).


(S.K.Agarwal)

Mrmber (J).