

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR  
.....

original Application No. 399/2001

Jabalpur, this the 6<sup>th</sup> day of May, 2004

Hon'ble Shri M.P. Singh, Vice Chairman  
Hon'ble Shri Madan Mohan, Member (J)

1. Surendra Nath Singh  
S/o Late Keshav Prasad Singh  
aged about 34 years,  
R/o Ram Krishna Paramhans Ward,  
Mangal Nagar, Katni,  
Distt. Katni. @ 4 others. ...Applicants.

(By Advocate: None)

-versus-

Union of India & Others. ...Respondents

(By Advocate: Shri S.C. Sharma through Sh. Harshit Patel)

O R D E R

By Madan Mohan, Member (J):

By filing the present application, the applicants have  
claimed the following main reliefs:-

- "(i) Summon the entire relevant records from the  
respondents for its kind perusal
- (ii) Command the respondents to follow the judgement  
in UPSRTC's case and other judgement in pith and  
substance and letter and spirit and provide the benefit  
of the same to the applicant.
- (iii) Accordingly direct the respondents to consider  
the applicants in filling up semi-skilled post by giving  
them preference over and above their juniors by  
maintaining batch-wise seniority irrespective of trade.
- (iv) Consequently, if necessary set aside the  
impugned selection ~~xxx~~ letter Annexure A-3.
- (v) Direct the respondents to provide all conse-  
quential benefits as if they were originally considered  
and called as per Annexure A-3."

2. Brief facts of the case are that the applicants are  
presently unemployed youth. They have completed their apprentice  
training under the Apprentice Act, 1961 from the respondent  
no. 3 Factory. Accordingly, certificate known as National  
Council for Vocational Training has been given to them.  
The question of appointment of apprentices of ordnance  
Factory Khamaria was also came up for consideration before

this Tribunal in the case of Devjeet Chatterjee & 27 ors. vs. Union of India & ors. (OA No. 800/95). Certain persons filed review applications against the orders of the Tribunal passed in OA No. 800/95 registered as RA No. 78/96 and 79/96. These RAs were decided by common order in July, 1996. Accordingly pursuant to the said judgement the applicant/ex-apprentices who were litigants in OA No. 800/95 and OA No. 82/96 have been given appointment in Ordnance Factory Khamaria and Katni respectively. Those applicants were given appointment strictly in accordance with their batch-wise seniority of apprenticeship. The applicants came to know that respondent no. 3 is going to fill up 7 semi skilled posts in its department. Call letters are issued to certain ex-apprentices, and the department are conducting selection on 15.6.2001 at its undertaking at Katni. However, no call letters have been issued for applicants who are seniors in their batch. The applicants have preferential right over and above the other persons and their right of consideration is flowing from the judgement of UPSRTC's case, the subsequent judgement of Apex Court reported in 2000(5) SCC p. 438 and various other judgements on this issue. The respondents are bound to call and consider the applicants who are senior to other persons and who have been called in the impugned selection pursuant to the circular dated 15.20/10/99. Hence, the action of the respondents in not calling the present applicants is bad in law and is liable to be set aside, and the applicants are entitled for the relief claimed.

3. Since none is present on behalf of the applicant and the matter is an old one pertaining to the year 2001, we intend to dispose of the same by invoking the provisions of Rule 15 of the C.A.T. (Procedure) Rules, 1987. Heard the learned counsel for the respondents.

4. It is argued on behalf of the respondents that seven posts i.e. one for Electrician and six for Machinists are required by the respondent no. 3. The applicants came not from those trades. Regarding call letters, the question for junior or

senior does not arise as the ex-trade apprentices who fulfill the requisite qualification and requirement as per seniority and the reservation for SC/ST/OBC have been called as per roster of said trades. It is further argued that the applicants had not come in the zone of consideration as they did not possess the requisite qualification. The respondents have prepared trade-wise list and not batch-wise. It is also argued that the applicants have relied upon order of the Tribunal in R.A.Nos. 78/96 and 79/96 passed on 17.7.1996. They have also relied upon the order passed in RA No. 44/96 and CQP No. 25/96 passed on 24.5.1996. Both these orders passed in RAs relate to OA No. 800/95, referred to above. It is further argued that the respondents have selected ex-trade apprentices based on need based job requirement against the vacant posts of available trades. At the relevant times, the requirement was for one Electrician and six Machinists. Out attention has been drawn towards the order of the Hon'ble Supreme Court in Civil Appeal Nos. 6918-6919/1997 in the matter of Union of India & Ors. vs. Debajit Chatterjee & Ors. decided on 6.9.2001 vide which the orders of the Tribunal passed in OA No. 800/95 and OA No. 82/96 have been set aside.

5. After hearing the learned counsel for the respondents and perusal of the records, we find that the respondents have selected ex-trade apprentices based on need based job requirement against the vacant posts of available trades. At the relevant times, the requirement was for one Electrician and Six Machinists. Applicants were not qualified in these fields. All trade apprentices who were imparted training in the requisite trades were called for selection process based on seniority and points reserved for SC/ST/OBC candidates and accordingly <sup>the</sup> suitable candidates were selected and appointed. The applicants were not suitable for the job for which the vacancies were then available because of their qualification/trade training was not in the requisite field of job. They cannot claim job merely on the ground of seniority.

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6. In the facts and circumstances of the case, we find that the O.A. is bereft of merit and deserves to be dismissed which is accordingly dismissed. No costs.

(M.P. Singh)  
Vice Chairman

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- (1) सचिव, उच्च न्यायालय, जयपुर, जयपुर
- (2) अध्यक्ष, श्री श्रीजी, जयपुर .....को काउंसल
- (3) प्रत्यक्षी श्री/श्री/श्री/.....को काउंसल
- (4) कंपाकन, कोकाज, जयपुर नगरपालिका  
संघना एवं आवश्यक जानकारी हेतु

~~उप सज्जद~~

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