

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...
Order reserved on: 24.08. 2015

**ORIGINAL APPLICATION NO. 060/01170/2014
Chandigarh, this the 26th day of August, 2015**

...
**CORAM: HON'BLE MS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)**

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1. Mamta Saini, d/o Shri Baldev Saini, r/o House No. 56, Arya Nagar, Near D.A.V. School, JUDW, Yamunanagar.
2. Rekha Sharma, d/o Sh. Nootam Kumar, r/o House No. 755-A, Mahavir Colony, Yamunanagar.
3. Poonam Sharma, d/o Shri Nootam Kumar, r/o Preet Nagar, near S.D. Public School, Railway Workshop Road, Yamunanagar.
4. Asha Rani, d/o Shri Baldev Saini, r/o House No. 56, Arya Nagar, near D.A.V. School, JUDW, Yamunanagar.
5. Poonam, d/o Shri Beer Singh, r/o House No. 125, Jawahar Nagar, Jagadhri Workshop, near Ram Mandir.

...APPLICANTS

BY ADVOCATE: SHRI D.R. SHARMA

VERSUS

1. Union of India through General Manager, Northern Railway, Baroda House, New Delhi. *(Signature)*

2. The Chief Works Manager, Jagadhri Workshop, Northern Railway, Yamunanagar.

...RESPONDENTS

BY ADVOCATE: SHRI R.T.P.S. TULSI

ORDER

HON'BLE DR. BRAHM A. AGRAWAL, MEMBER(J):-

This is the third round of litigation by the five applicants in the instant O.A. praying that the letter dated 30.07.2014 (Annexure A-1) be quashed and that the respondents be directed to appoint the applicants on Group 'D' posts.

2. We have heard the learned counsel for the parties, perused the pleadings as well as the rulings cited by the learned counsel for the respondents, and given our thoughtful consideration to the matter.

3. It is well-settled that employer has no obligation to offer any employment to any apprentice who has completed the period of his apprenticeship in his establishment [vide section 22 (1), Apprentices Act 1961; Haryana Power Generation Corporation Ltd. and Ors. Vs. Harkesh Chand and Ors. (AIR 2013 SC 403)].

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4. The position that "Course Completed Act Apprentices" can be engaged as substitutes in Group 'D' or that diploma/degree holders trained under the Apprentices Act 1961 in Railway establishments can also be considered for the said engagement (vide Annexures A-4, A-5, A-17 and A-19) cannot be said to confer any legal right on apprentices for appointment on Group 'D' posts.

5. Annexure A-1 is a communication written by General Manager (P), Northern Railway, Baroda House, New Delhi and addressed to Chief Workshop Manager, Northern Railway, Jagadhari, and reads, inter alia, as under:

"1. Instructions contained in Railway Board's letter dated 02.12.2010, clarify that Diploma/ Degree holder trained under the Apprentices Act 1961 (as amended from time to time) in Railway establishments can also be considered (similar to ITI, etc trained Act Apprentice engaged as substitutes) for engagement as substitutes in Group 'D' posts within the General Manager's powers in administrative exigencies, subject to their fulfillment of the extant instructions prescribed for such engagement.

2. It is a fact that Apprentices had been engaged in the past. But due to regularly selected candidates being made available by Railway Recruitment Cell (RRC) as per details

given below the candidates for recruitment in GP 1800 selected through competition are available.

S.No.	Employment Notice issued in the year	No. of vacancies notified	Position of panel.
1.	2010-11	11,439	Total no. of 11,178 candidates have been provisionally empanelled.
2.	2011-12	7368	Panel received 4926 +1427 Ex-Servicemen = 6353 appointment being given.
3.	2012-13	5679	Written examination is planned for Nov-14

3. There are no vacancies in GP 1800 in JUDW and no administrative exigencies exit to consider them for engagement as Substitutes. Moreover, panel of RRC is also available for recruitment in GP 1800.

4. The employment notifications for recruitment of candidates in GP 1800 are issued on an annual basis by RRC, Lajpat Nagar, for filling up of vacancies and the applicants are free to apply and appear in the examinations being conducted by RRB & RRC.

5. Since, there is no administrative exigency and vacancies also do not exit in JUDW, moreover, empanelled candidates of RRC/NR are available for recruitment, hence, the applicants cannot be engaged on Northern Railway."

6. The learned counsel for the applicants has not been able to show as to what needs be quashed in Annexure A-1.

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7. Thus, we are of the view that the O.A. is devoid of merits. The same is, therefore, dismissed. No order as to costs.

(DR. BRAHM A. AGRAWAL)
MEMBER(J)

(RAJWANT SANDHU)
MEMBER(A)

Dated: 26 .08.2015
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