

**Central Administrative Tribunal
Principal Bench, New Delhi**

**OA No.1421/2015
with
OA No.1509/2015**

This the 27th day of May, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N.Shrivastava, Member (A)**

OA-1421/2015

1. Sanjeev Kumar
Age 25 years
S/o Shri Surender Singh
Adarsh Colony, Mohanpur Road,
Nakatiya, Bareilly,
UP-243123.
2. Gopal Kumar Verma
Age 24 years
S/o Shri Inderjeet
R/o House number 100,
Village-Bodwal,
Post-Mundarwa
Distric-Basti (UP)-272178
3. Vikas Kumar
Age 26 years
S/o Shri Subodh Kumar
C/o- R.R. Suman,
Dept. of Comp. Sc.& Engg.,
Qtr. No.-D/24, N.I.T. Campus,
Adityapur, Jamshedpur,
Jharkhand-831014
4. Sandeep Parthimanathan
Age 30 years
S/o Shri V Parthimanathan
C/o Babu Kiran, Kiran,
Njarakal, PO,
Ernakulam Dist. 682505
5. Chandradev Raj
Age 25 years
S/o Shri Dodraj Singh
R/o Village and Post Jaitra,
Dhampur
Distt- Bijnor
UP

6. Ashvin Meshram
Age 25 years
S/o Shri Jagdish Jaipal Meshram
R/o Village: Salekasa,
Dist:- Gondia
Maharashtra-441916. ,...Applicants

(By Advocate: Shri Vishwendra Verma)

Versus

1. Union of India
Through Secretary
Ministry of Petroleum and Natural Gas
Sastri Bhawan, New Delhi-110001
2. The Director
Public Sector Undertakings
Ministry of Petroleum and Natural Gas
Sastri Bhawan, New Delhi-110001
3. Mangalore Refinery and Petrochemicals Limited
Post Kuthethur, VIA Katipalla,
Mangalore-575030, D.K.
And Also At:
MRPL, Delhi Office,
LGF Mercantile House,
15 Kasturba Gandhi Marg,
New Delhi-110001. ... Respondents

(Dr.Ch.Shamsuddin Khan with Shri K.S.Saxena and Shri P.K.Jain)

OA-1509/2015

1. Varsha Vittal Prabhu
Engineer
Age 25 years
S/o Shri Vittal G Prabhu
R/o Shri Govindraya Nilaya,
Near Court, NH 17,
Ranginkatte, Bhatkal Pin:581320
Karnataka
2. Arun CS
Engineer
Age 25 years
S/o Shri C.K. Sudarsan

R/o AF2/64 Vasanth Nagar,Palarivattom,
Kochi Pin: 682025,
Kerala

3. Anshul Aggarwal
Engineer
Age 27 years
S/o Shri B.D.Agarwal
R/o 2/234A Vikram Khand,
Gomti Nagar,
Lucknow-226010
 4. Rakshit
Engineer
Age 25 years
S/o Shri Suresh Babu Naik K
R/o H.No.3-222,
Near Durga High School,
Post Khukkundoor Karkala,
Pin 576117
 5. Shubham Shanker
S/o Shri Gauri Shanker Sharma
Age 24 years
R/o 28A Vivekanand Marg,
Laxmi Nagar, Niwaru Road
Jhotwara, Jaipur,
Rajasthan-302012
 6. Sreedev T. Harinadh
Engineer
Age 25 years
S/o Shri T.K.Harinadh
R/o Harisree 12/54,
Sowhrudha Lane
Mulamkunnathukavu
P.O., Thrissur-DT
Kerala-680581.
- ... Applicants

(By Advocate: Shri Vishwendra Verma)

Versus

1. Union of India
Through Secretary
Ministry of Petroleum and Natural Gas
Sastri Bhawan, New Delhi-110001

2. The Director
Public Sector Undertakings
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(Dr.Ch.Shamsuddin Khan with Shri K.S.Saxena and Shri P.K.Jain)

ORDER(ORAL)

Hon'ble Mr. Justice Permod Kohli

The applicants who were final year engineering students passing out in the year 2012 applied for engagement as Graduate Apprentice Engineers under the Apprentices Act, 1961 for the following posts:-

Sr.No.	Discipline	No.of Vacancies	Qualification
1	Chemical	10	Graduate degree in Chemical Engineering
2	Mechanical	06	Graduate Degree in Mechanical Engineering
3	Electrical	02	Graduate Degree in Electrical Engineering
4.	Instrumentation	02	Graduate Degree in Instrumentation/E&C Engineering

The mode of selection was written test followed by interview to be conducted by the Respondent No.3 MRPL. These engagements were as a consequence to advertisement No.45/2012 issued by respondent No. 3.

The period of Apprenticeship training was one year. The applicants successfully completed the Apprenticeship and were selected on all India basis and directed to join vide order dated 06.04.2013 on a consolidated stipend amount of Rs.20,000/- p.m. Vide advertisement No.52/2014 dated 20.10.2014 respondent No.3 invited applications for various posts in the management cadre. At Sl.No.13 to 17 the post of Engineer (Chemical) E1 grade, Engineer (Mechanical) E1 grade, Engineer (Instrumentation) E1 grade, Engineer (Civil) E1 grade and Executive (HR) E1 grade were advertised. The applicants claim that being duly qualified for these posts, they applied for the same. However, they have not been selected/appointed. The applicants have accordingly filed these two OAs. seeking following relief:-

- (i) to consider the representations and after considering the representation the applicants be allowed to continue as E-1 grade as per their joining vide appointment letter with the terms and conditions as regular employee;
- (ii) to consider the applicants appointment by virtue of advertisement in which they were initially appointed.
- (iii) to pass any other and further orders as may be deemed fit and proper in the interest of justice."

2. Learned counsel appearing for the applicants reiterated the averments made in para 4.15 of the OA wherein it is mentioned that at the time of their engagement as Apprentice the applicants were assured that on successful training they would be confirmed on the post of E-1 grade but they have not been considered for such confirmation by the respondent even though they possess all the qualifications and fulfill eligibility criteria. Again in para 4.16 it is

mentioned that the applicants had also applied with different Public Sector Undertakings (PSUs) mentioned therein for their engagement in the above said category pursuant to advertisement issued by the PSUs, but none of the PSUs considered their apprenticeship with respondent No.3, thereby rendering the entire period of apprenticeship and service with the respondent as meaningless.

3. The respondent no.3 has filed detailed reply. Learned counsel appearing for R-3 raised preliminary objection regarding the maintainability of these OAs. It is stated that the applicants being Apprentice only, this Tribunal has no jurisdiction to go into the question of validity of the action of the respondents.

4. Apart from above, a specific averment is made in para 9 of the counter affidavit in OA-1421/2015 that out of 16 Ex GAEs, 12 are applicants in these 2 OAs who had applied for the posts of Engineers, E-I grade against the advertisement No.52/2014, one candidate at Sl.No.7 did not appear for written test, and 13 candidates could not clear the written test. The selection/appointment to the post of Engineers E1 grade is through the process of selection which inter alia, prescribes written test followed by interview as is evident from Advertisement notice No.52/2014 (Annexure A-4) under General Instructions. Since the applicants did not qualify the written test, they were not called for interview.

5. The contention of the learned counsel for the applicants that the applicants have not been considered for their selection/appointment does not seem to be correct in view of the specific averments made in

the counter reply, for which there is no rebuttal either by way of rejoinder or by any affidavit. The applicants were duly considered for selection/appointment against the posts of Engineer, E-I grade as notified vide Advertisement No.52/2014 dated 20.10.2014. Since they failed to qualify written test, they could not be selected/appointed.

6. In the above view of the matter, finding no substance in these 2 OAs, the same are dismissed. No order as to costs.

(K.N. Shrivastava)
Member(A)

(Permod Kohli)
Chairman

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