

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCHCIRCUIT BENCH AT RANCHI
REGN.NO.: OA/051/00029/2017Date of Order:- 09.08.2018C O R A M

HON'BLE MR. K.N.SHRIVASTAVA, MEMBER (ADMN.)
HON'BLE MR. JAYESH V.BHAIRAVIA, MEMBER (JUDL.)

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Santosh Gope, S/o Late Sundar Lal Gope, R/o vill. Telidih Site, PO & PS-Chas, District-Bokaro, Jharkhand.

.....Applicant.

By Advocate :-Shri Mukesh Kumar Sinha.
Shri Debarshi Mondal.

Vs.

1. Steel Authority of India Ltd. having its Corporate Office at Ispat Bhawan, Lodhi Road, PO & PS-Lodhi Colony, District-New Delhi-110 033.
2. The Chairman, Steel Authority of India Ltd., Ispat Bhawan, Lodhi Road, PO & PS-Lodhi Colony, District-New Delhi-110 033.
3. The General Manager (P) Steel Authority of India Ltd., Bokaro Steel Plant, PO, PS & District-Bokaro-827 001.
4. The Assistant General Manager, Steel Authority of India Ltd., Bokaro Steel Plant, PO, PS & District-Bokaro-827 001.
5. The Dy. General Manager of Steel Authority of India Ltd., Bokaro Steel Plant, PO, PS & Pathardih, Dist.-Dhanbad-828 301.
6. The Sr. Manager (PL), Bokaro Steel Plant, PO & PS-District Bokaro-827 001.
7. The Dy. Manager (PL), Bokaro Steel Plant, PO PS & District-Bokaro-827 001.

.....Respondents.

By Advocate:- Shri Prabhat Kumar.

O R D E R (ORAL)

K.N.Shrivastava, Member (Admn.) :- The applicant's father, late Sundar Lal Gope, was employed as Technician in Bokaro Steel Plant of Steel Authority of India Limited (SAIL). He died in harness in the year 1997. It is stated that the applicant at the time of his father's death was 19 years old and in terms of the rules of SAIL related to compassionate appointment, he was eligible for such appointment. It is stated that the applicant applied to Bokaro Steel Plant for compassionate appointment but no action was taken on his application. It is stated that much belatedly the Bokaro Steel Plant directed him to undergo Apprentice training before he is considered for compassionate appointment and, accordingly, he underwent training under National Council for Vocational Training (NCVT) under Ministry of Labour & Employment, Government of India from 15.10.2011 to 14.10.2013. Accordingly, NCVT issued Annexure-A/1 Apprentice certificate to the applicant. It is further stated that after the applicant acquired the apprentice certificate, the respondents engaged him as Apprentice on provisional basis and allotted him a residential accommodation of the Company vide allotment order dated 03.02.2012 (Annexure-A/2). The applicant is a physically handicapped person with about 75% disability.

2. The respondents directed the applicant to appear for selection for the post of Trade Apprentice for which they had engaged TCS. The test was conducted on 19.12.2014 but the applicant was

declared fail since he had secured only 4 marks, whereas the cut-off marks was 12.5

3. Heard Shri Mukesh Kumar Sinha, learned counsel for the applicant and Shri Prabhat kumar, learned Standing Counsel for the respondents.

4. The main contention of Shri Mukesh Kumar Sinha was that the applicant's case is to be considered by the respondents on compassionate grounds and that the applicant had undergone the Apprentice Training as directed by the respondents and was subsequently appointed to the post of Apprentice and, accordingly was allotted a company residential accommodation vide Annexure-A/2 order. He thus, contended that the respondents be directed to engage the applicant as Apprentice on compassionate grounds.

5. Shri Prabhat Kumar, on the other hand, argued that the applicant cannot be engaged as Apprentice by the respondents for the simple reason that he failed in the selection test conducted by the respondents through TCS on 19.12.2014 since he secured only 4 marks, whereas the cut-off marks was 12.5.

6. We have considered the submissions made by the learned counsel for the parties and perused the pleadings. Indisputably, the applicant has been claiming all through appointment in the Bokaro Steel Plant on compassionate grounds. He has also undergone Apprentice Training at NCVT at the behest of the respondents. Annexure-A/2 documents stand as a testimony that on his acquiring

the Apprentice certificate from NCVT, the respondents had engaged him as Apprentice on provisional basis and, accordingly, had allotted him a residential accommodation of the Company. In this view of the matter, we are of the opinion that it was unfair on the part of the respondents to have forced the applicant to appear in general selection for the post of Trade Apprentice conducted by them through TCS on 19.12.2014. Needless to say, that the selection conducted by the TCS was a general selection and it has no bearing with regard to the appointments to be made on compassionate grounds.

7. The applicant who was 19 years old in 1997, when his father died in harness, was eligible for compassionate appointment then itself. Now, on account of inexplicable delay at the end of the respondents, he has become 37 years old. He is also physically handicapped with reported disability of 75%.

8. Taking cognizance of the factual position discussed in the preceding paragraphs, we allow this OA with a direction to the respondents to engage the applicant as Apprentice on compassionate grounds. This shall be done within a period of three months from the date of receipt of a copy of this order.

Sd/-
(Jayesh V.Bhairavia)
Member (Judl.)

Sd/-
(K.N.Shrivastava)
Member (Admn.)

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