

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

**OA No. 994/2014
MA No. 1102/2018**

New Delhi, this the 25th day of September, 2019

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Srimohan Prasad,
Aged about 34 years,
S/o-Sri Hardeo Ram,
R/o-village-Lauhata,
P.O.-Gopalpur,
District-Ballia,
U.P.

...Applicant

(By Advocate: Mr. H.P. Chakravorty with Mr. P.S. Khare)

Versus

1. General Manager,
Northern Railways,
Baroda House,
New Delhi.
2. Secretary (Establishment),
Railway Board,
Rail Bhawan,
New Delhi.
3. General Manager (Personnel),
Northern Railway Headquarters Office,
Baroda House, New Delhi.
4. Divisional Railway Manager, Northern Railway, New
Delhi.
5. Director, Board of Apprenticeship Training (Northern
Region), Govt. of India,
Ministry of Human Resource Development,
Kaka Deo, Kanpur,
U.P.

6. Divisional Personnel Officer,
Delhi Division, Northern Railway,
New Delhi.

7. Chief Works Manager,
(C&W) Workshop,
Alambagh, Lucknow.

...Respondents

(By Advocate: Ms. Shabnam Perveen for Mr. S. M. Arif)

ORDER (ORAL)

Mohd. Jamshed, Member (A):-

The applicant is a diploma holder in Electrical Engineering. He was given Apprentice Training under the Apprentice Act, 1961 under the Senior Section Engineer/STB, Northern Railway, New Delhi for one year vide letter dated 21.06.2002 and was also paid stipend. Vide letter dated 09.01.2004 it was confirmed that he completed the said one year Apprentice Training under the respondents.

2. The applicant contends that a few similarly placed apprentices applied against vacancies in Group 'D' under respondents and were also appointed, whereas, no action was taken about his posting and in response to his representation dated 23.01.2012, the respondents vide letter dated 28.05.2012 (impugned order) rejected his claim stating that the applicant has not submitted the required certificate issued by Board of Apprenticeship Training (BOAT)/RDAT certifying completion of

Apprentice Course. In absence of the same, it cannot be verified whether he has completed Act Apprenticeship course, as per rules. It was also stated in the impugned order that the judgment of Hon'ble High Court of Lucknow in WP No. 626/2009 titled **Jaideep Shukla & Ors. Vs. Union of India & Ors.** decided on 14.05.2010 is not applicable to the applicant as he was not an applicant in the same. In terms of the Hon'ble High Court of Lucknow order, it was directed that only those applicants may be considered for appointment against Group 'D' posts, who filed the Writ Petition and were considered eligible by the Screening Committee on the prescribed dates.

3. Aggrieved by the impugned order dated 28.05.2012, the applicant has filed this OA seeking relief in terms of quashing of the impugned order and directing the respondents to consider the applicant for engagement/appointment in Group 'D' post as substitute as per the Judgment dated 14.05.2010, passed in W.P. No. 626/2009 by the Hon'ble High Court of Lucknow.

4. We heard Mr. H.P. Chakravorty with Mr. P.S. Khare, learned counsel for the applicant and Ms. Shabnam Perveen for Mr. S. M. Arif, learned counsel for the respondents.

5. It is evident that the applicant was deputed for training under Apprentice Act, 1961 for one year under the SSE/STB,

Northern Railway, New Delhi vide order dated 21.06.2002 (Annexure No. 4). A letter dated 09.01.2004 (Annexure No. 5) indicates that the applicant completed one year Apprentice Training under Apprenticeship Act, 1961 w.e.f. 24.06.2002 to 24.06.2003. Thereafter, the applicant has been making representations and seeking appointment in Group 'D' posts in the Railways. The respondents vide the impugned order advised the applicant that on completion of Apprentice Training in any of the workshop/unit, a certificate from BOAT is to be obtained and annexed along with the application. In the absence of the same it cannot be confirmed whether the applicant has completed Act Apprentice training as per rules. It is further mentioned in the order dated 28.05.2012 that the orders passed by the Hon'ble High Court of Lucknow in WP No. 626/2009 is applicable only to the applicants, who were the parties in the said Writ Petition. As the applicant herein, is not a party in the said Writ Petition the order/judgment is not applicable to him. It is observed that BOAT subsequently issued a letter dated 20.06.2012 addressed to Divisional Railway Manager, i.e. Respondent No. 04 stating that the applicant has applied to BOAT for issuing necessary certificate on 15.06.2012 regarding his training from 24.06.2002 to 23.06.2003. It was further advised in the letter that the applicant was not even registered in the BOAT and hence, it is not possible to issue Apprentice Certificate to him.

6. It has been argued by the learned counsel for the applicant that the orders passed in WP No. 626/2009 is applicable in the present case also. In this Writ Petition, the petitioners were diploma holder in mechanical engineering and had gone for the Apprentice Training at Loco Workshop of Railway. The Hon'ble High Court of Lucknow vide order dated 14.05.2010 set aside the order passed by the Tribunal with directions to opposite parties to consider the case of the petitioners for the posts of Khallasi, if the applicants are otherwise qualified as per law. The para-17 of the WP No. 626/2009 reads as under:-

“In view of the above and without saying much, we set aside the impugned letter written by the Railway Board as well as the impugned orders passed by the Tribunal and direct the opposite parties to consider the case of the petitioners sympathetically for the posts of Khallasi which falls in group D posts, if the petitioners are otherwise qualified as per law. A considerable time has already been elapsed in the litigation, so, we issue a mandamus to consider the candidature of the petitioners for Group D posts within a period of three months after receiving the certified copy of this order.

The Writ Petition is allowed. No cost.”

Thus the order of the Lucknow Bench of the Hon'ble Allahabad High Court in the Writ Petition is only applicable to the petitioners in the Writ Petition. The facts of that case are also different from the present OA.

7. Although the applicant underwent the Apprentice Training under the respondents w.e.f. 24.06.2002 to 23.06.2003, he failed to obtain the required certificate from the concerned authority i.e.

BOAT and in the absence of which, the respondents did not consider his application. At a much later stage in 2012, the applicant tried to obtain a certificate regarding the Apprentice Training from BOAT which was not considered by the BOAT as he was not even registered with them.

8. The applicant has sought quashing of the impugned order dated 28.05.2012, which is issued by the respondents indicating that he has not obtained the requisite certificate from BOAT regarding his Act Apprentice Training. The non issue of such a certificate has also been confirmed vide letter dated 20.06.2012 issued by the BOAT that the applicant cannot be issued such a certificate after a long gap of time and without his having been registered himself with BOAT. The applicant also sought relief in terms of the orders issued by the Lucknow Bench of the Hon'ble Allahabad High Court in WP No. 626/2009 decided on 14.05.2010 and to consider the applicant for engagement on a Group 'D' Post. This plea too is misplaced on two accounts.

9. Firstly, as mentioned above, the applicant was not a party in that Writ Petition and secondly the applicant is seeking his engagement in Group 'D', without even indicating any advertisement, vacancy or selection process that would have been undertaken by the respondents. We do not find anything on record indicating that any selection for Group 'D' was held by the

respondents, for which the applicant was either eligible or applied.

The plea, therefore, is simply abstract and is not tenable.

10. We are, therefore, of the view that the relief sought by the applicant in this OA is devoid of merit and the same is, accordingly, dismissed. MAs, if any, shall standing disposed of. There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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