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CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. O.A. 350/01392/2015

Date of order: 23.9.2015

Present : Hon'ble Mr. Justice G. Rajasuria, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. Tripurari Jash,
Son of Sri Krishna Pad Jash,
Residing at Village - Bhurkunda,
P.O. - Belar, Bheurkunda,
Dist. - Burdwan, Pin - 713 427.
2. Sudip Kundu,
Son of Sri Kumar Kundu of
Fatakdwār, House No. 421,
P.O. - Kalna, Dist. Burdwan,
Pin - 713409.
3. Sudip Chakraborty,
Son of Sri Madhusudan Chakraborty,
Residing at Asutosh Nagar,
P.O. Garalia, District-North 24 Parganas,
Pin - 743133.
4. Susanta Bhattacharya,
Son of Srikanta Bhattacharya,
Residing at Habibpur (Chowdhuripukur Par),
P.O. - Midnapore,
District - Paschim Midnapore,
Pin - 721 101.

.. Applicants

- V E R S U S -

1. The Union of India,
Service through the General Manager,
Eastern Railway,
17, N.S. Road, Fairlie Place,
Kolkata - 700 001.



2. The Chief Personnel Officer,
Eastern Railway,
17, N.S. Road, Fairlie Place,
Kolkata - 700 001.

.. Respondents

For the Applicants : Mr. A. Ghosh, Counsel

For the Respondents : Mr. M.K. Bandyopadhyay, Counsel

O R D E R (Oral)

Per Mr. G. Rajasuria, Judicial Member:

Ld. Counsel for both sides are present.

2. This O.A. has been filed seeking the following reliefs:-

"a) An order directing the respondents their servants agents and / or employees and each one of them to act upon the directive / letters of Railways Boards to engage course complete Act Apprentice at the earliest, as substitute in vacant Group 'D' posts.

b) An order directing the respondent authorities to engage course complete Act Apprentice in vacant Group 'D' post at the earliest within a specified time in accordance with the maintaining the seniority.

c) Leave may be granted to file this application jointly under Rule 4(5)(a) of CAT (Procedure) Rules, 1987."


3. The Ld. Counsel for the applicants would put forth his client's grievance which could succinctly and precise be set out thus. The applicants are holders of certificate issued by Eastern Railway and virtually those certificates are the ones issued under the Apprentice Act and they are also called as GOI Trainees. Persons

who underwent such courses are entitled to be recruited as Substitutes in Gr. 'D' posts under the Railways; such trainees like the applicants should be given job in the Railways as and when vacancies arise, and ignoring them straightway the Railways should not engage others.

4. Per contra, the Ld. Counsel for the respondents would vehemently oppose the prayer of the applicants on the ground that the applicants did not undergo any apprentice course and they were not GOI trainees as per records. As such, he would pray for the dismissal of the O.A.

4. The short point for consideration is as to whether the applicants placed before the appropriate respondent Railway authority, their eligibility certificate to get themselves considered for being appointed to the post of Substitute in Gr. 'D' posts.

5. The perusal of records, so to say the Annexures A-1, A-2 and A-3 does not reveal that ex-facie and prima-facie the applicant underwent any training under the Apprenticeship Act. However, the Ld. Counsel for the applicant would vehemently stress upon the fact that the certificate found at Annexure A-1 was actually issued under the Apprenticeship Act. In absence of any specific record we cannot decide the matter on merits.



5. However, we would like to issue the direction thus:

The applicants are given liberty to enclose along with their representation within one month from the date of receipt of a copy of this order necessary evidence showing that the certificates which they obtained are to be treated as the ones issued under the Apprenticeship Act and they should be treated as GOI trainees also, and within two months thereafter the respondent authority concerned shall consider the same and pass a speaking order and communicate the same to the applicant.

6. Ordered accordingly.

(Jaya Das Gupta)
MEMBER(A)

(G. Rajasuria)
MEMBER(J)

SP