Government of India (Bharat Sarkar)
Ministry of Railways (Rail Mantralaya)
(Railway Board)

No. E(MPP)2012/6/7 Dated: 04.06.2012

Shri R.K. Prasahar, CPO/Central Railway, Mumbai
Shri, Arjun Tabiyar, CPO Eastern Railway, Kolkata
Shri J.S.P. Singh, CPO East Central Railway, Hajipur
Shri Mohd Akhtar, CPO East Coast Railway Bhubaneshwar
Shri S.K. Seth, CPO Northern Railway, New Delhi
Shri Om Prakash North Central Railway, Allahabad
Shri Sanjay Suri, CPO, North Eastern Railway Gorakhpur
Shri C. Saikia, CPO Northeast Frontier Railway Guwahati
Shri S.M.N. Islam, CPO North Western Railway, Jaipur
Shri N. Swaminathan, CPO Southern Railway Chennai
Shri K. Seshasayi, CPO South Central Railway Secunderabad
Shri K. Ponnuswami CPO South East Central Railway Bilaspur
Shri Manoj Pande, CPO South Eastern Railway Kolkata
Shri A.K. Brahmo, South Western Railway, Hubli
Shri S. Bhattacharya, CPO Western Railway Mumbai
Shri B.N. Meena, CPO West Central Railway Jabalpur
Shri Jyoti Kumar CPO/Metro Kolkata
Shri P.C. Nayak, CPO CLW, Chittaranajan
Shri L.B. Rai, CPO DLW, Varanasi
Shri Sukhbir Singh CPO/ DMW, Patiala
Dr. S.X. Sampat Rajan, CPO/ ICF Perambur, Chennai
Shri M. Dharmalingam, CPO/ RWF, Bangalore
Shri A.K. Srivastava, CPO/ CORE Allahabad
Ms. Nisha Tewari, CPO/ RDSO Manaknagar Lucknow

Sub: OA No.1125/PB/2011 filed by Shri Ashish Rana & Ors.
Vs UOI – CAT/Chandigarh - RCF

Shri Ashish Rana and 83 others had filed OA No. 1125/PB/2011 against RCF's Order dated 13.10.2011 (cancelling the Written Test held on 25.09.2011 and the result published on 26.09.2011for imparting training under Apprentice Act.

2. The case was listed for admission on 20.10.2011 and after hearing the Hon'ble CAT stayed the operation of the cancellation orders. The case was contested by RCF asserting that CAT has no jurisdiction to decide the case of candidates engaged by the Railways for merely imparting training since it was not a service matter.

3. The Hon'ble Tribunal considering the issue involved especially on the point of jurisdiction and the fact that it would have legal implication, referred the matter to a Larger Bench. The judgment was delivered by the Full Bench on 19.04.2012 and upheld the stand taken by RCF. Copy of the judgment is enclosed for information and action, if any, at your end.

DA: as above

4/6/12
(Anil Wason)
Dy.Director(MPP)
Railway Board

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(OA No. 1125-PB of 2011)

CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH
(Full Bench)
ORIGINAL APPLICATION NO.1125-Pb of 2011
Chandigarh, this the 19th day of April, 2012

...

CORAM: HON'BLE MR. JUSTICE S.D.ANAND, MEMBER(J)
HON'BLE SMT. SHYAMA DOGRA, MEMBER(J)
HON'BLE MR.KHUSHI RAM, MEMBER(A)

...

1. **ASHISH RANA [ROLL No. 2203]**, S/o Sh. Onkar Chand Rana, R/o Q. No. 762-A, Type-I, Rail Coach Factory, Kapurthala.
2. **SUKHPREET SINGH [Roll No. 2218]**, S/o S. Paramjit Singh, Q. No. 347-C, Type III, Rail Coach Factory, Kapurthala.
3. **HEMANT KUMAR [Roll No. 7110]**, S/o Sh. Parkash Chand, R/o H. No. 371/B, Railway Colony No. 8, Sham Nagar, Ludhiana.
4. **PARDEEP SINGH [Roll No. 2405]**, S/o Sh. Ranjit Singh, R/o Old Cantt. Road, Near Dara Palace, Faridkot, Punjab-151203.
5. **KULDEEP SINGH [Roll No. 2266]**, S/o S. Pritam Singh, R/o V.P.O. Chak Budhoke (Chak Lakhoke), Teh. Jalalabad (W), District Fazilka-152033, Punjab.
6. **PARTAP SINGH [Roll No. 5044]**, S/o Sh. Partap Singh, R/o Village Dharampura, P.O. Mallan Wala Khas, Teh. Zira, District-Firozpur-152021, Punjab.
7. **MANDEEP SINGH [Roll No. 5514]**, S/o Sh. Sukhwinder Singh, R/o Village Bagge-Ke Pippal, P.O. Mahalan, District-Firozpur, Punjab.
8. **PARAG RAJ [Roll No. 1156]**, S/o Sh. Balkar Chand, R/o Village Chak Thatheran Wala, P.O. Mahatawala, Tehsil-Guru Har Sahai District-Firozpur, Punjab-152022.
9. **AMANDEEP SINGH [Roll No. 3475]**, S/o Sh. Kashmir Chand, R/o Village Chak Sotrian (Bandi Wala), Tehsil Jalabad, District-Fazilka, Punjab.
10. **SANDEEP KUMAR [Roll No. 1733]**, S/o Sh. Jaimal Ram, R/o Village Chak Sotrian (Bandi Wala), Tehsil Jalabad, District-Fazilka, Punjab.

11. **ANIL LUHAR [Roll No. 3256]**, S/o Sh. Gura Luhar, R/o Trolly Man House, Railway Colony, Makhu, Tehsil Zira, District-Firozepur, Punjab-142044.

12. **RAMANDEEP KUMAR [Roll No. 3105]**, S/o Sh. Balkar Chand, R/o H. No. D-3/1771, Street No. 11, Ram Nagar Colony, P.O. Jwala Flour Mill, Aslamabad, Amritsar-143001.

13. **NEERAJ KUMAR [Roll No. 2336]**, S/o Sh. Ram Adhar, R/o Street No. 6, New Ratan Nagar, Gulab Devi Hospital Road, Jalandhar, Punjab.

14. **ACHCHHE LAL [Roll No. 1257]**, S/o Sh. Bhuwal, R/o H. No. 39, Thapar College, Patiala-147004, Punjab.

15. **GURJANT SINGH [Roll No. 1949]**, S/o Sh. Kuldeep Singh, R/o H. No. 452, New Nanak Pura, Dulchi K Road, Near Bansi Gate, Firozpur, Punjab.

16. **SUNIL KUMAR [Roll No. 5100]**, S/o Sh. Brij Lal, R/o Village Kallar Khera, P.O. Toot Wala, Tehsil Abohar, District-Fazilka, Punjab.

17. **MANGAT RAM [Roll No. 5282]**, S/o Sh. Lal Chand, R/o Village & P.O. Ghallu, Tehsil & District-Fazilka, Punjab.

18. **CHARANJEET [Roll No. 3136]**, S/o Sh. Banarsi Dass, R/o H. No. 131, Near Janj Ghar, Mohalla Aslamabad, District Hoshiarpur, Punjab.

19. **SURINDER KUMAR [Roll No. 3503]**, S/o Sh. Krishan Lal, R/o Village Gorki Kankar Wali, Tehsil & District-Fazilka, Punjab.

20. **GURJEET SINGH [Roll No. 3965]**, S/o Sh. Swaran Singh, R/o H. No. 20, Chandigarh Nagar, V.P.O. Bhullana, District Kapurthala, Punjab.

21. **PUNEET KATAL [Roll No. 1428]**, S/o Sh. Gautam Singh, R/o H. No. 741-D, Type-I, RCF Kapurthala, Punjab.

22. **JAGMEET SINGH [Roll No. 1982]**, S/o Sh. Lakhwinder Singh, R/o O. No. 708-E, Type-I, R.C.F. Kapurthala, Punjab.

23. **MANINDER SINGH [Roll No. 5536]**, S/o Sh. Tarlok Singh, R/o Q. No. 492-B, Type-2, R.C.F. Kapurthala, Punjab.

24. **RAJESH KUMAR [Roll No. 7146]**, S/o Sh. Soorti Ram, R/o V.P.O. Dadwindi, Tehsil-Sultanpur Lodhi, District Kapurthala, Punjab.

25. **AMANPREET SHARMA [Roll No. 2530]**, S/o Sh. Satpal Sharma, R/o V.P.O. Chainewala, Tehsil Sardulgarh, District Mansa, Punjab.

26. **HARMEET SINGH [Roll No. 8116]**, S/o Sh. Ravinder Pal Singh, R/o H. No. 459, Jagtar Colony, Near God Bless Public School, Patiala, Punjab.

27. **MANJEET SINGH [Roll No. 3894]**, S/o Sh. Onkar Singh, R/o H. No. 386, Mairh Colony, Shimlapuri, Ludhiana, Punjab.

28. **SUKHWINDER SINGH [Roll No. 3849]**, S/o Sh. Satnam Singh, R/o H. No. 153/B, Kuldeep Nagar, Near Liberty Chowk, Rajpura Town, District Patiala, Punjab.

29. **DINESH RAWAT [Roll No. 3398]**, S/o Sh. Jagmohan Singh, R/o H. No. 40 B, Ekta Nagar, Near OMW Patiala, Punjab.

30. **RAVI PARKASH [Roll No. 1962]**, S/o Sh. Kuleshwar Singh, R/o H. No. 315, Virk colony, Street No. 11, Bye Pass Road, Patiala, Punjab.

31. **HARDEEP SINGH [Roll No. 3964]**, S/o Sh. Swaran Singh, R/o Q. No. 839-E, Type-I, R.C.F. Kapurthala, Punjab.

32. **GURJEET SINGH [Roll No. 5402]**, S/o Sh. Rajinder Singh, R/o Village & Post Office Dhadrian, District Sangrur, Punjab.

33. **HARMEET SINGH [Roll No. 3121]**, S/o Sh. Balwinder Singh, R/o Basti Nizamdin, Malwa Road, Near City Resort, Firozpur City, Punjab.

34. **CHARANJEET [Roll No. 3136]**, S/o Sh. Banarsi Dass, R/o Village Gorki Kankar Wali, Tehsil & District-Fazilka, Punjab.

35. **SANDEEP KUMAR [Roll No. 7090]**, S/o Sh. Makhan Lal, R/o V.P.O. Phaphre Bhai Ke, Tehsil & District-Mansa, Punjab-151505.

36. **NAVDEEP SINGH [Roll No. 1718]**, S/o Sh. Jagtar Singh, R/o RCF Type II-508-B, Kapurthala, Punjab.

37. **PARDEEP SINGH [Roll No. 1422]**, S/o Sh. Galodhu Ram, R/o Q. No. 435-C, Type II, RCF Kapurthala, Punjab.

38. **SUKHJINDER SINGH [Roll No. 1410]**, S/o Sh. Dilawar Singh, R/o V.P.O. Kala Nangal, District Gurdaspur, Punjab.

39. **ROHIT KUMAR KUSHWAHA [Roll No. 1862]**, S/o Sh. Shri Kant Kushwaha, R/o Q. No. 507-B, Type II, Kapurthala, Punjab.

40. **RAM CHANDER [Roll No. 2192]**, S/o Sh. Om Parkash, R/o V.P.O. Bazidpur Kattian Wali, Tehsil & District-Fazilka, Punjab.

41. **DALJIT SINGH [Roll No. 3073]**, S/o Sh. Balbir Singh, R/o V.P.O. Tibba, Tehsil-Sultanpur Lodhi, District-Kapurthala, Punjab.

42. **AMRITPAL SINGH [Roll No. 6092]**, S/o Sh. Gurmeet Singh, R/o Village Paprala, Tehsil & District-Ropar, Punjab.

43. **RAVI KUMAR [Roll No. 7092]**, S/o Sh. Malkiat Chand, R/o V.P.O. Lakhan Kalan, Tehsil & District-Ropar, Punjab.

44. **SARABJEET SINGH [Roll No. 1961]**, S/o Sh. Kuldip Singh, R/o Mohalla Preet Nagar, Backside New Grain Market, Kapurthala, Punjab.

45. **GURCHARAN SINGH [Roll No. 5576]**, S/o Sh. Jarnail Singh, R/o Village Kabulshah, P.O. Khui Khera, Tehsil & District-Fazilka, Punjab.

46. **GURWINDER SINGH [Roll No. 5583]**, S/o Sh. Malkit Singh, R/o Village Kabulshah, P.O. Khui Khera, Tehsil & District-Fazilka, Punjab.

47. **AMIT KUMAR [Roll No. 2341]**, S/o Sh. Ram Babu Pal, R/o Amrik Nagar, Saido Bhullana, RCF Kapurthala, Punjab.

48. **DAVINDER SINGH [Roll No. 3603]**, S/o Sh. Mohan Singh, R/o Village Pandori, P.O. Jhawan, District-Hoshiarpur, Punjab.

49. **HARINDER PAL [Roll No. 2366]**, S/o Sh. Ram Pal, R/o Amrik Nagar, Main Gate 3, Backside Virk Chakki, Saido Bhullana, RCF Kapurthala, Punjab.

50. **DHARAMVIR KUMAR [Roll No. 2758]**, S/o Sh. Vijay Yadav, R/o Amrik Nagar, Main Gate 3, Backside Virk Chakki, Saido Bhullana, RCF Kapurthala, Punjab.

51. **ANKIT KUMAR [Roll No. 1725]**, S/o Sh. Jai Chandra Prasad Yadav, R/o Amrik Nagar, Opposite Main Gate 3, Saido Bhullana, RCF Kapurthala, Punjab.

52. **RAJNEESH CHAUDHARY [Roll No. 1858]**, S/o Sh. Kamlesh Kumar, R/o Q. No. 305-D, Type III, RCF Kapurthala, Punjab.

53. **SIMARPREET SINGH [Roll No. 1859]**, S/o S. Kamret Singh, R/o R/o Q. No. 662-E, Type II, RCF Kapurthala, Punjab.

54. **AMANDEEP SINGH [Roll No. 1421]**, S/o Sh. Gajja Singh, R/o Village Paprali, P.O. Sotal Baba, Tehsil Chamkaur Sabib, District-Ropar, Punjab.

55. **RAJINDER KUMAR [Roll No. 2526]**, S/o Sh. Satpal, R/o V.P.O. Saida Bhullana, Amrik Nagar, Street No. 1, RCF, Kapurthala, Punjab.

56. **AMAR SINGH [Roll No. 7022]**, S/o Sh. Choran Dass, R/o Village Sunderpur, P.O. Bhagran, Tehsil Mukerian, District-Hoshiarpur, Punjab-144211.

57. **JAGJEET SINGH [Roll No. 7015]**, S/o Sh. Balvir Singh, R/o Village Kotwal, P.O. Dhadder, Tehsil Dasuya, District-Hoshiarpur, Punjab.

58. **OM PARKASH [Roll No. 3479]**, S/o Sh. Kashmir Singh, R/o Village Mohan Ke Uttar, P.O. Pindi, Tehsil-Gur Har Sahai, District Firozpur, Punjab-152022.

59. **RANJODH SINGH [Roll No. 3480]**, S/o Sh. Kashmir Singh, R/o V.P.O. Varpal Patti Satte Ke, Tehsil & District-Amritsar, Punjab-143022.

60. **AMAN THAKUR [Roll No. 3789]**, S/o Sh. Ranjit Singh, R/o H. No. 35, Guru Hargovind Nagar, Village Rawal, Opposite RCF Halt, Kapurthala, Punjab.

61. **KARANDEEP SINGH [Roll No. 5543]**, S/o Sh. Tejinder Singh, R/o H. No. HN 488, New Gopal Nagar, Jalandhar City, Punjab-144008.

62. **BEANT SINGH [Roll No. 5510]**, S/o Sh. Sukhdev Singh, R/o Village Nauhra, P.O. Dandeala, Dhindsa, Tehsil-Nabha, District Nabha, Panjab.

63. **PRITPAL SINGH [Roll No. 1244]**, S/o Sh. Bhajan Singh, R/o Village Pota, P.O. Tangralian, Tehsil Mukerian, District Hoshiarpur-144211, Punjab.

64. **JAGSIR SINGH [Roll No. 9036]**, S/o Sh. Mohinder Ram, R/o Village Stunter Nagar, Tehsil Gur Har Sahai, District Firozpur, Punjab-152022.

65. **RAVI BABU [Roll No. 5129]**, S/o Sh. Daya Ram, R/o Alamgarh, Tehsil Abohar, District Fazilka, Punjab.

66. **SHASHI BHUSHAN YADAV [Roll No. 1672]**, S/o Sh. Indra Deo Yadav, R/o Guru Nanak Nagar, Bhulana, Gali No. 1, RCF Kapurthala, Punjab.

67. **MANOJ KUMAR [Roll No. 8143]**, S/o Sh. Shree Pal Singh, R/o Q. No. 461-D, Type II, RCF Kapurthala, Punjab.

68. **BALJIT SINGH [Roll No. 8006]**, S/o Sh. Avtar Singh, R/o Village Mirpur, P.O. Bodba, Tehsil Anandpur Sahib, District Ropar, Punjab.

69. **SUSHIL KUMAR [Roll No. 1427]**, S/o Sh. Gareb Dass, R/o V.P.O. Sanoli, Tehsil & District-Una.

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70. **SUKHCHAIN SINGH [Roll No. 2208]**, S/o Sh. Pal Singh, R/o Village Swajpur, P.O. Wazidpur, Tehsil & District Patiala, Punjab.

71. **VINAY KUMAR [Roll No. 1396]**, S/o Sh. Dharam Singh, R/o Q. No. 435-B, Type II, RCF, Kapurthala, Punjab.

72. **DINESH KUMAR [Roll No. 9045]**, S/o Sh. Ram Partap, R/o V.P.O. Nehal Khera, Tehsil & District-Fazilka, Punjab-152122.

73. **YAMAN PARKASH [Roll No. 5112]**, S/o Sh. Chhote Lal, R/o Chandigarh Colony, Vijay Nagar, Kapurthala, Punjab.

74. **MAN BAHADUR [Roll No. 1289]**, S/o Sh. Chandra Bahadur, R/o Q. No. 820-D, Type I, RCF Kapurthala, Punjab.

75. **SANDIP CHOUDHARY [Roll No. 1397]**, S/o Sh. Dharamveer, R/o VPO Churiwala, Dhanna, Tehsil & District Fazilka, Punjab.

76. **RANBIR SINGH [Roll No. 1183]**, S/o Sh. Balvir Singh, R/o Q. No. 709, RCF, Kapurthala, Punjab.

77. **BINDER SINGH [Roll No. 1117]**, S/o Sh. Bakhtawar Singh, R/o Marian wala, P.O. Bahmniwala, Tehsil Jalalabad, Distt. Fazilka, Punjab.

78. **SHIV KUMAR [Roll No. 8046]**, S/o Sh. Gurdial Singh, R/o VPO Sayadwala, Tehsil Abohar, Distt. Fazilka-152128, Punjab.

79. **SITA RAM [Roll No. 9031]**, S/o Sh. Lal Chand, R/o VPO Sayadwala, Tehsil Abohar, Distt. Fazilka-152128, Punjab.

80. **EAST JAWALAHASTI DAL [Roll No. 5281]**, S/o Sh. Lal Chand, R/o VPO Khui Khera, Tehsil & Distt. Fazilka-152121, Punjab.

81. **NAZAR BAZZ MATI DAL [Roll No. 5283]**, S/o Sh. Lal Chand, R/o VPO Khui Khera, Tehsil & Distt. Fazilka-152121, Punjab.

82. **SHAM SUNDER [Roll No. 1418]**, S/o Sh. Faqir Chand, R/o VPO Danger Khera, Tehsil & Distt. Fazilka, Punjab.

83. **RAVI KUMAR [Roll No. 5053]**, S/o Sh. Balram, R/o VPO Danger Khera, Tehsil & Distt. Fazilka, Punjab.

84. CHANDER BHAN (Roll No.1404) s/o Sh.Dharam Chand, R/o VPO Danger Khera, Tehsil & Distt. Fazilka, Punjab.

...APPLICANTS

BY ADVOCATE: **SHRI R.K.SHARMA**

VERSUS

1. Union of India through general Manager, Rail Coach Factory, Kapurthala, Punjab.
2. General Manager(P), Rail Coach Factory, Kapurthala, Punjab.

...RESPONDENTS

BY ADVOCATE : **SHRI G.S.SATHI**

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(Order reserved on :12.4.2012)

ORDER

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HON'BLE MR. JUSTICE S.D.ANAND, MEMBER(J):-

The self-contained order dated 13.3.2012, granted by a learned Division Bench of this Court, impelling constitution of a Full Bench, precisely indicates the point for adjudication. The narration of facts, having a relevant bearing, indicated hereunder would further clarify the matter requiring adjudication by this Full Bench.

2. Respondent No.1 invited applications "for engagement of 190 Act-Apprentices for imparting training in Technical Training Centre, Rail

Coach Factory (Kapurthala) under the Apprenticeship Act 1961". The applicants, who offered their candidature for the relevant consideration in different streams, appeared at the test. They were declared successful at the hustings. Before the viva voce could be held, the result (of written test already published vide letter dated 26.9.2011) was ordered to be cancelled *"due to administrative reasons"*, vide Annexure A-2.

3. The applicants applied for the invalidation of the order Annexure A-2 *"with a further direction to the respondents not to initiate fresh process for conducting written test for 190 seats for which the written test already stands conducted and the applicants stand declared qualified against the same"*.

4. The respondents, by means of a Preliminary Objection, challenged the very maintainability of the OA before the Tribunal. The plea raised was that the applicants having applied for apprenticeship under the Apprenticeship Act, 1961 (hereinafter referred to as 'the 1961 Act') could not raise a claim that the Tribunal has jurisdiction to go into the validity or otherwise of the impugned action because the issue does not pertain to "recruitment and matters concerning recruitment".

5. It is not a matter of dispute that the jurisdictional domain of the Tribunal is hedged by the provisions contained in Section 14 of the Administrative Tribunals Act, 1985 (hereinafter referred to as 'the 1985 Act') The relevant part thereof is extracted hereunder:-

> "14. Jurisdiction, powers and authority of the Central Administrative Tribunal – (1)Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable immediately before that day by all courts (except the Supreme Court) in relation to –
>
> (a)**recruitment, and matters concerning recruitment**, to any All –India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;
>
> (b)all service matters concerning – xxx xxx
>
> ...
>
> (2) xxx xxx xxx
>
> (3) xxx xxx xxx."
>
> *(underlining for emphasis in its relatability to the plea canvassed)*

6. A perusal of the 1961 Act and also the rule-formulation, which came to be framed thereunder, would indicate that the candidates who successfully undertake apprenticeship, cannot raise an enforceable claim for the grant of compulsive appointment. The apprenticeship undertaken by them only makes them qualified and eligible for applying for and

obtaining the relevant category of appointment. For that (i.e. employment), the applicants have to apply independently. The 1961 Act does not, at all, hold out an assurance that those undertaking apprenticeship would be absorbed in service or will be offered any type of employment.

7. The learned counsel appearing on behalf of the applicant, in the course of rendition, argued that the acceptance of candidates for undertaking apprenticeship training in terms of the 1961 Act, would indicate that any controversy in connection therewith pertains to "matters concerning recruitment". The pure and simple plea raised is that even the pre-recruitment controversy would invite jurisdiction of the Tribunal. In support thereof, the learned counsel relied upon the decision rendered by the Gujarat High Court in the case of **Y.R.BARAD VS. UNION OF INDIA ETC. 2011(3) SC 1.**

8. We have not been able to persuade ourselves to find force in the plea raised on behalf of the applicants. The conceptualization of an offer of employment, much less any compulsive nature thereof, is found to be foreign to the provisions of the 1961 Act. It may be that those who undertake apprenticeship in the relevant trades, may thereby become eligible for appointment to the various categories of posts in the Rail

Coach Factory. That would, however, be an altogether different issue. For enforcement of a claim, the plea raised and the documentation enclosed in support thereof must indicate an enforceable assurance and in cognizable terms, on the part of the competent authority. That undertaking is conspicuously missing in the documentation made available on record.

9. The reliance placed by the learned counsel for the applicants upon Y.R.Barad's case (supra) too is misconceived. In that case, a learned Division Bench of Gujarat High Court had duly noticed the fact and effect of the provisions pertaining to the jurisdiction of the Tribunal in its relatability to the apprenticeship training and had recorded a finding that CAT has no jurisdiction to entertain the plea filed by the apprentice trainees after termination of the training.

10. The learned counsel for the applicants, then, tried to wriggle out of the rigours of the view obtained in Y.R.Barad's case by raising a plea that termination in that case had come about on the point of eligibility; whereas in the present case the entire process had been gone through before it (process) came to be cancelled, without announcement of any reasoning in support thereof.

11. The endeavour made by the learned counsel for the applicants to draw the indicated distinction proves abortive. The cause for termination of training or cancellation of the result would not be relevant in determining whether the Tribunal has or does not have jurisdiction to try the controversy. A similar controversy came up for consideration before a learned Division Bench of the Tribunal at Hyderabad (OA No.589 of 2005 titled R.VENKATA SRINIVAS ETC. VS. THE CHIEF PERSONNEL OFFICER & OTHERS – decided on 31.12.2008) wherein too a view, not musical to the ears of the applicants, came to be obtained.

12. The learned counsel appearing on behalf of the applicants, then, placed reliance upon the view obtained by a learned Full Bench of Madhya Pradesh High Court in **DR.USHA AGRWARIYA VS. STATE OF M.P. & OTHERS : (1994) IILLJ252 MP, 1993(0) MPLJ 969** holding that "recruitment is an earlier part of the process which culminates in appointment. Selection is part of recruitment process and precedes appointment". In respectful accord therewith, we do not dispute that there might well be cases wherein the pre-recruitment matters too may be open to adjudication and the Tribunal may find that administrative dispensation is trying to draw an unreal distinction between' pre-recruitment' and 'recruitment'. In view of the fact that the culmination of apprenticeship is not to be followed up by an appointment,

the judgment above quoted is of no assistance to the applicants in cementing their plea. Even otherwise, it does not solve the riddle for the applicants for the simple reason that the controversy herein is not qua any pre-recruitment and recruitment matter. It is a pure and simple case in which Respondent No.2 had invited applications for undergoing apprenticeship under the 1961 Act. The aspect of any employment to follow thereafter was not even conceptualized. In that view of things, it cannot be averred that the controversy under adjudication pertains to any recruitment or pre-recruitment matter.

13. In the light of the foregoing discussion, we are of the consider opinion that this Tribunal has no jurisdiction to examine the validity or otherwise of the impugned cancellation. It is to state the obvious that it would be for the applicants, in their own discretion, to have recourse to the remedy available to them before an appropriate forum on the judicial side.

14. There shall be no order as to the costs of the cause in the facts and circumstances of the case.

(JUSTICE S.D.ANAND)
MEMBER(J)

(SHYAMA DOGRA)
MEMBER(J)

(KHUSHIRAM)
MEMBER(A)

रेल मंत्रालय (रेलवे बोर्ड)
Min. of Railways (Rly. Board)
22 MAY 2012
के.रा.से./CR. No.....
अनुभाग डा.सं.....
Section Dy. No.....
वर्गीकरण/Classification .....

Dated: April 9th, 2012
'bss'