
(2010) 12 SHI CK 0337
In the High Court Of Himachal Pradesh
Case No : C.W.P. (T) No. 7353 of 2008

Raj Kumar

APPELLANT

Vs

Himachal Pradesh State Electricity Board

RESPONDENT

Date of Decision : 02-12-2010

Acts Referred:

Apprentices Act, 1961 — Section 22

Citation : (2010) 12 SHI CK 0337

Hon'ble Judges : Rajiv Sharma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Rajiv Sharma, J.—Petitioner has obtained three years diploma of Junior Engineer (Electrical) in June, 1995. Thereafter, his name was sponsored for apprenticeship. He completed his apprenticeship on 23rd January, 1997. He submitted application to consider his case for appointment to the post of Junior Engineer (Electrical) on 25.09.1997. He was interviewed on 29.04.1997, 21.02.1997 and 18.03.1997. However, he was not found suitable. He approached the learned erstwhile Himachal Pradesh Administrative Tribunal by way of O.A. (M) No. 259 of 1998. The same was directed to be treated as representation to the Secretary, H.P.S.E.B., Shimla. He heard the Petitioner in person on 22.05.2001. The representation made by the Petitioner was rejected vide office order dated 11.06.2001.

2. Case of the Petitioner, in a nut-shell, is that he ought to have been given preference since he has done apprenticeship with the Board.

3. Case of the Respondent-Board, precisely is that though the Petitioner was interviewed with other candidates, but after taking into consideration the over all performance, his name could not be recommended. The post was to be filled up by way of direct recruitment. As per Sub-section (2) of Section 22 of the Apprentices Act, 1961, the Petitioner could seek employment only if there was an

agreement entered into between him and the employer to the effect that he will be offered appointment. In this case, there is nothing on record to suggest that any agreement of this nature was ever executed between the Petitioner and the employer. Assuming that the Petitioner was to be given preference, still he has to compete with other candidates to adjudge his suitability.

4. Accordingly, there is no merit in this petition and the same is dismissed. However, it is made clear that if the Petitioner is still aggrieved, he can make a representation to the competent authority for the redressal of his grievance.