

(2002) 04 DEL CK 0093

In the Delhi High Court

Case No : CW 723/97

Shri Jay Narayan Sharma

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 11-04-2002

Acts Referred:

Citation : (2002) 04 DEL CK 0093

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Advocate : B.K. Pal, for the Appellant; R.K. Sharma, for the Respondent

Judgement

Vijender Jain, J.—Rule.

2. This writ petition can be disposed of in view of the judgment of the Supreme Court in Uttar Pradesh State Road Transport Corporation and another Vs. Uttar Pradesh Parivahan Nigam Shishukhs Berozgar Sangh and others, .

3. It is the case of the petitioner that having been found eligible he was sponsored by the Board of Apprenticeship Training, Kanpur to get training with respondent no.3, i.e. the Flood Control Wing of NCT of Delhi. Respondent no.3 called the petitioner for interview and the petitioner was selected as an apprentice in 1989. From April, 1989 till March, 1990, the petitioner received training. The petitioner was posted at a division of respondent no.3. It seems that in 1996 the petitioner served respondent no.3 a legal notice dated 1.8.1996, inter alia, seeking a suitable employment. Respondent took the stand that in view of apprenticeship rules, no right accrued in favor of the petitioner and no obligation accrued on the part of the employer to offer any employment to the apprentice on completion of a period of apprentice. It is the case of the petitioner that the posts are lying vacant in the department of respondent no.3 and, Therefore, the respondents be directed to give preferential treatment to the petitioner in view of apprenticeship training undergone by the petitioner.

4. Supreme Court in U.P. State of Road Transport Corporation & Anr. (supra) has

held as under :

"The aforesaid being the position it would not be just and proper to go merely by what has been stated in Section 22(1) of the Act, or for that matter, in the model contract form. What is indeed required is to see that the nation gets the benefit of time, money and energy spent on the trainees, which would be so when they are employed in preference to non-trained direct recruits. This would also meet the legitimate expectations of the trainees."

5. Following the ratio laid down by the Supreme Court, a direction is issued to the respondents to give preference to the petitioner in view of the training received by the petitioner over direct recruits at the time of recruitment.

6. Petition stands disposed of.