



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

CORAM:

THE HON'BLE MR.JUSTICE T.RAJA

W.P. (MD)Nos.13689 to 13700 of 2015

and

WEB COPY

MP(MD)NOS 1 AND 2 OF 2015 IN ALL Wps (12 MPs) and
MP(MD)NOS 1 and 2 OF 2015 (5 Mps) in WP(MD)No.13689, 13690, 13694, 13697
and 13698 of 2015

K.Natarajaperumal	.. Petitioner	in WP(MD).13689 of 2015
K.Venkatesan	.. Petitioner	in WP(MD).13690 of 2015
G.Krishnamoorthy	.. Petitioner	in WP(MD).13691 of 2015
D.Selvakumar	.. Petitioner	in WP(MD).13692 of 2015
R.Soundararajan	.. Petitioner	in WP(MD).13693 of 2015
M.Ganapathy	.. Petitioner	in WP(MD).13694 of 2015
K.V.Ravichandran	.. Petitioner	in WP(MD).13695 of 2015
V.Ramesh	.. Petitioner	in WP(MD).13696 of 2015
S.Sivakumar	.. Petitioner	in WP(MD).13697 of 2015
J.Manimaran	.. Petitioner	in WP(MD).13698 of 2015
V.Sankar	.. Petitioner	in WP(MD).13699 of 2015
G.Sivakumar	.. Petitioner	in WP(MD).13700 of 2015

Vs.

The Management of
Bharat Heavy Electricals Limited,
rep.by its Senior Deputy General Manager
(HR & R&W)
Tiruchirapalli - 620 014.

.. Respondent in all the Wps.

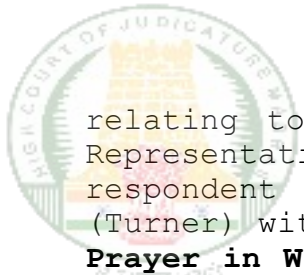
Prayer in WP(MD). 13689/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 7.7.15 in Ref.BHEL:HPBP:EX App : Representation/1/2015 quash the same and consequently direct the respondent to post the petitioner in the post of Artisan Grade -IV (Turner) with all benefits.

Prayer in WP(MD). 13690/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 7.7.15 in Ref.BHEL:HPBP:EX App : Representation/2/2015 quash the same and consequently direct the respondent to post the petitioner in the post of Artisan Grade -IV (Turner) with all benefits.

Prayer in WP(MD). 13691/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 07.07.15 in Ref:BHEL:HPBP:EX APP; Representation /3/2015 , quash the same and consequently direct the respondent to post of the petitioner in the post of Artisan Grade-IV (Welder) with all benefits

<https://hcservices.ecourts.gov.in/hcservices/>

Prayer in WP(MD). 13692/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus after calling for the records from respondent



relating to the impugned reply dated 07.07.15 in Ref:BHEL:HPBP:EX APP; Representation /4/2015 , quash the same and consequently direct the respondent to post of the petitioner in the post of Artisan Grade-IV (Turner) with all benefits

Prayer in WP(MD). 13693/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 7.7.15 in Ref.BHEL:HPBP:EX App : Representation/5/2015 quash the same and consequently direct the respondent to post the petitioner in the post of Artisan Grade -IV (Turner) with all benefits.

Prayer in WP(MD). 13694/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 07.07.15 in Ref:BHEL:HPBP:EX APP; Representation /6/2015 , quash the same and consequently direct the respondent to post of the petitioner in the post of Artisan Grade-IV (Fitter) with all benefits.

Prayer in WP(MD). 13695/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 07.07.15 in Ref:BHEL:HPBP:EX APP; Representation /8/2015 , quash the same and consequently direct the respondent to post of the petitioner in the post of Artisan Grade-IV (Turner) with all benefits

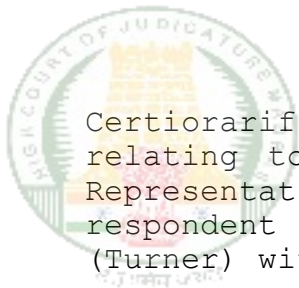
Prayer in WP(MD). 13696/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus after calling for the records from respondent relating to the impugned reply dated 07.07.15 in Ref:BHEL:HPBP:EX APP; Representation / 9/2015 , quash the same and consequently direct the respondent to post of the petitioner in the post of Artisan Grade-IV (Turner) with all benefits.

Prayer in WP(MD). 13697/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 7.7.15 in Ref.BHEL:HPBP:EX App : Representation/10/2015 quash the same and consequently direct the respondent to post the petitioner in the post of Artisan Grade -IV (Turner) with all benefits.

Prayer in WP(MD). 13698/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 07.07.15 in Ref:BHEL:HPBP:EX APP; Representation 11/2015 , quash the same and consequently direct the respondent to post of the petitioner in the post of Artisan Grade-IV (Fitter) with all benefits.

Prayer in WP(MD). 13699/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 07.07.15 in Ref:BHEL:HPBP:EX APP; Representation 12/2015 , quash the same and consequently direct the respondent to post of the petitioner in the post of Artisan Grade-IV (Welder) with all benefits.

Prayer in WP(MD). 13700/ 2015 : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of



Certiorarified Mandamus after calling for the records from respondent relating to the impugned reply dated 7.7.15 in Ref.BHEL:HPBP:EX App : Representation/13/2015 quash the same and consequently direct the respondent to post the petitioner in the post of Artisan Grade -IV (Turner) with all benefits.

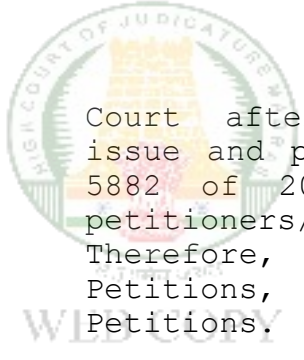
WEB COPY For Petitioner : Mr.S.Arunachalam
(all WPs.)

COMMON ORDER

There are 12 writ petitions have been filed seeking a prayer for issuance of writ of certiorarified mandamus to call for records from the respondent relating to the impugned reply dated 07.07.2015 in Ref.BHEL:HPBP:EX App : Representation/1 to 6, 8 to 13/2015 and to quash the same and consequently direct the respondent to post the petitioners in the concerned post with all benefits.

2. The learned counsel appearing for all the petitioners would submit that the petitioners who underwent ITI Courses in various categories namely Artisan Grade - IV (Turner), Artisan Grade - IV (welder) and Artisan Grade - IV (Fitter) etc., passed their respective courses successfully. Thereafter, they registered their names in the employment exchange. Thereupon their names were sponsored for apprenticeship training in the respondent undertaking under the Apprentices Act. Pursuant thereto, all of them underwent their respective apprenticeship training period as mentioned in the writ petition. On completion of one year apprentice they were also issued National Apprenticeship Certificates. In this background, the grievance of the petitioners is that as per Rule 4.4 of Recruitment Rules, on completion of the apprenticeship/training, they should be absorbed as Artisan Trainees. As the respondent has not complied with the said Rule, the petitioners have made number of representations, finding no response. Some of them came before this Court by filing number of writ petitions. This Court by order dated 04.08.2014, in the batch of Writ Petition Nos.6656, 5882 of 2005 etc., decided the issue against the similarly placed persons. But peculiar circumstances of the present case clearly warrants interference.

3. Referring to Section 22(2) of the Apprentices Act, 1961, the learned counsel appearing for the petitioners would submit that notwithstanding anything in sub-section(1), after the completion of successful apprenticeship training, the employer shall be bound to offer suitable employment to the apprentice. But in the present case, as mentioned above, even the provision has not been followed. Therefore, the present writ petitions should be looked into from a different angle without giving reference to the decided case in the batch of Writ Petition Nos.6656, 5882 of 2005 etc., dated 04.08.2014. But this Court is not in a position to accept the contentions made by the learned counsel appearing for the petitioners for two reasons. First of all, the petitioners having undergone the apprentice training period as mentioned in the respective writ petitions in the respondent industry, for the reasons best known to them they have kept quite for long time, in the case of giving representations one after another and landed to this Court only with a huge unexplained delay of almost 14 years. Secondly, this



Court after considering almost identical similar issue, has decided the issue and passed the order dated 04.08.2015 in Writ Petition Nos.6656, 5882 of 2005 etc., and given a finding to the effect that the petitioners/ apprentices are not entitled to get automatic absorption. Therefore, following the order passed in the batch of said Writ Petitions, this Court is not inclined to entertain the present Writ Petitions.

4. The Writ petitions are dismissed. No costs. Connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

The Senior Deputy General Manager, Management of Bharat Heavy Electricals Limited, (HR & R&W) Tiruchirapalli - 620 014.

12CC to Mr.S. Arunachalam, Advocate Sr.No. 43348.

W.P.(MD)Nos.13689 to 13700 of 2015

and

MP(MD)NOS 1 AND 2 OF 2015 IN ALL Wps (12 MPs)

and

MP(MD)NOS 1 AND 2 OF 2015 (5 Mps) in WP(MD)No.13689, 13690, 13694, 13697 and 13698 of 2015

03.08.2015

4P/14C

AM/GSV.PM/SAR(J)/08.09.2015.