

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**CWP No. 8582 of 2019
Date of decision : 05.04.2019**

Pankaj and othersPetitioners
versus

State of Haryana and ors. ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.K. Kaushik, Advocate
for the petitioners.

Ms. Palika Monga, DAG Haryana

RITU BAHRI, J. (Oral)

Issue notice of motion.

On asking of the Court, Ms. Palika Monga, DAG Haryana accepts notice on behalf of the State. Learned counsel for the petitioner shall supply copy of the petition to learned State counsel by today itself.

Prayer in this petition is for issuance of direction to the respondents not to replace the petitioners by same set of employees.

Petitioners who are Matriculate/10+2 as well as Diploma in ITI are doing apprenticeship in respondent No. 3-department and are being paid stipend according to Apprentices Act, 1961. The details of their appointment is given in para No. 2 of the petition. Now the petitioners are seeking that they be considered for appointment on contract basis at D.C rates after completion of their apprenticeship on the posts on which they are working.

Learned State counsel at the very outset has referred to relevant

Section of Apprentices Act, 1961, which reads as under:-

2[(aa)]"apprentice" means a person who is undergoing apprenticeship training 13[* *] in pursuance of a contract of apprenticeship;*

[(aaa)"apprenticeship training" means a course of training in any industry or establishment undergone in pursuance of a contract of apprenticeship and under prescribed terms and conditions which may be different for different categories of apprentices;]

Reference has further been made to Annexure P-1 whereby petitioner has been taken on training for specific duration i.e 15.04.2018 to 14.04.2019 and he has to be given stipend @ Rs.6955/- per month.

Further learned State counsel has informed that instruction dated 25.01.2019 has also been issued by Deputy Apprenticeship Advisor for State Apprenticeship Advisor cum Director General, Skill Development and Industrial Training Department, Haryana, Panchkula wherein it has been advised that since the apprentices already completed apprenticeship training, they are not eligible for re-appointment in the same trade or another trade and hence are not to be considered. The above instruction has been issued for trade apprentices in the year 2019

Keeping in view the above instructions, the petitioner cannot continue after 14.04.2019.

No case is made out for issuance of direction to the respondents not to replace the petitioners by same set of employees.

The petition stands dismissed.

05.04.2019
G Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No