

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

**CWP No.19388 of 2019
Date of decision:18.07.2019**

Kuldeep and others

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Sandeep Singal, Advocate
for the petitioners.

AMIT RAWAL J. (Oral)

Prayer in present writ petition is for issuance of appropriate directions in the nature of mandamus directing the respondents to continue petitioners on work against the vacant technical posts as per the information dated 03.06.2019 (Annexure P-5) received under Right to Information Act till regular selections are made.

Mr. Sandeep Singal, learned counsel for the petitioners submits that petitioners have completed their vocational training in respective trades and were also awarded National Trade Certificates in the year 2017. The department has advertised the posts of Apprentice in different trades. After having duly interviewed by the selection committee, petitioners received the appointment letters dated 14.10.2016 and 09.04.2018 (Annexures P-2 and P-3), respectively. The petitioners were thus in different trades like diesel mechanic, motor mechanic, electrician, welder, fitter etc. The duration as

per the appointment letter is over and therefore, cause of action accrued to seek indulgence of this Court for issuance of directions as aforementioned and allow the petitioners to continue with the department till regular selections are made.

In support of the aforementioned contention, relies upon judgment rendered by the Hon'ble Supreme Court in **U.P.State Road Tpt. Corp. Vs. U.P.Parivahan Nigam Shishukhs Berozgar Sangh 1995(2) SCT 367** and Division Bench judgment of this Court passed in **Chandigarh Administrator Vs. Ravinder Singh and others 2008(2) SCT 812**.

I have heard the learned counsel for the petitioners and appraised paper book. Legislature has come out with promulgated Act called Apprentices Act, 1961 and also 1991 Rules framed there under. The definition of apprentice as per Act is that a person who is seeking regular appointment has to undergo course of training so that he has gained experience. The appointment letter, Annexure P-2 specifies the period spanning from 2 ½ years to 3 years.

In both judgments cited (supra), controversy involved was whether a person who has undertaken the course of apprentice, should be given credence for appointment on regular basis. However, present case is not of such nature. Relief is only for continuation of service. In case, Court accepts relief, concept of apprenticeship would be eradicated and thus, request of petitioners do not fall within the judicial review.

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Dismissed.

(AMIT RAWAL)
JUDGE

July 18, 2019
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Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No