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W.P.No.27221 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2023

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.27221 of 2023 and
W.M.P.No.26661 of 2023

J.Saravanan

... Petitioner

Vs.

1.Neyveli Lignite Corporation Limited,
Represented by its Chairman cum Managing Director,
Shri.M.Prasanna Kumar,
Block-1, Neyveli – 607 801,
Cuddalore District.

2.Sathish Babu,
Executive Director, (Human Resource),
Corporate Officer,
NLC India Limited,
Block-1, Neyveli – 607 801,
Cuddalore District.

3.C.Thiyagaraju,
Chief General Manager, (Industrial Relations),
Corporate Officer,
NLC India Limited,
Block-1, Neyveli – 607 801,
Cuddalore District.

4.District Collector,
Cuddalore District,
Collectorate,
Manjakuppam,
Cuddalore – 607001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to consider the representations sent by the petitioner on 25.05.2023, 18.07.2022, 14.03.2022 and 19.02.2022 and conduct a meeting as promised by the respondents in the Peace Committee Meeting held on 22.12.2021 to 24.12.2021 and also provide employment opportunity to the petitioner who has graduated from the Respondent Corporation.

For Petitioner : Mr.S.Kumar

For Respondents : Mr.N.Nithiandam-R1 to R3
Mr.V.P.R.Elamparithi-R4

ORDER

This Writ Petition has been filed to direct the respondents 1 to 5 to consider the representations sent by the petitioner on 25.05.2023, 18.07.2022, 14.03.2022 and 19.02.2022 and conduct a meeting as promised by the respondents in the Peace Committee Meeting held on 22.12.2021 to 24.12.2021 and also provide employment opportunity to the petitioner who has graduated from the Respondent Corporation.

2.The contention of the learned counsel for the petitioner is that when the respondent Corporation invited the Industrial Training Institute holders for apprentice training in the trade of mechanic, the petitioner had applied for the same and completed the training and also obtained National Apprenticeship Certificate during the month of May, 2000. Now, the



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grievance of the petitioner is that the respondent Corporation have not provided any employment opportunity to the petitioner, instead they were offering job based on contractual basis by outsourcing the employees. In this regard, the petitioner has given several representations to the respondents on the ground that preference has to be given to the petitioner, however, the same have not been considered.

3.It is relevant to note that the petitioner said to have been completed the Apprentice Training at Neyveli Lignite Corporation Limited and obtained the National Apprenticeship Certificate during the month of May, 2000. Such being the position, the petitioner has submitted his application for preference in the year 2022, after lapse of several years. It is well settled that the apprentice trainees have no right to be appointed in preference to other applicants. This aspect has been clearly laid down by the Hon'ble Division of this Court in W.A.No.235 of 2005 in paragraph No.6 and the same is read as follows:

“6.After going through the order of the learned Single Judge as well as the various decisions referred to therein, we are entirely in agreement with the conclusions of



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the learned Single Judge in every respect. In the first place, the impugned settlement was dated 18.05.1995, while the Writ Petition came to be filed only in December, 2003, nearly after 8 long years. Such a long time gap itself would frustrate the claim of the appellant. In the submissions made on behalf of the Management of N.L.C. Ltd., it is pointed out that after signing the settlement in the year 1995, till 2003, about 2900 workers of INDCOSERVE have already been regularized by absorption and that another 2000 workers are awaiting regularization based on the said settlement. Therefore, it would be wholly inequitable if the challenge made by the appellant to the said settlement is to be entertained at this belated point of time. There is absolutely no explanation offered on behalf of the appellant as to why the challenge was not made immediately after the signing of the said settlement. Therefore, on the ground of delay and laches itself, the claim of the appellants cannot be probed into. Secondly, as rightly pointed out by the learned counsel for the Management or N.L.C., Ltd., reliance placed upon by the appellant on the Division Bench Judgment of this Court reported in 1996 WR.L.R. 215 (cited supra) has been set aside by the Hon'ble Supreme Court in its order dated 3.10.1996 in C.A.Nos.5285 to 5328 of 1996. In fact, in the said order, the Hon'ble Supreme Court has also considered the earlier decisions of the Hon'ble Supreme Court in "U.P State Road Transport Corporation and another Vs. U.P.Parivahan Nigam



Shishukhs Berozgar Sangh and others” reported in 1995 AIR SC 1115 and it held as under:

“We are of the view that this Court has clearly laid down that the Apprentice Trainees have no right to be appointed in preference to other applicants.....”

In fact, the Division Bench judgment relied upon by the applicant only followed the above referred to earlier decision of the Hon'ble Supreme Court reported in “1995 AIR SC 1115”, yet, the Hon'ble Supreme Court, while setting aside the order of the Division Bench, has ruled out as above. Therefore, the apprentices who have undertaken training under the provisions of the Apprentice Act, 1971, did not acquire any special status in order to contend that they are entitled to seek for preference in the job opportunities in the various Government Institutions, much less the members of the appellant in N.L.C Ltd.”

4.In the light of the above decision, this Court is of the view that the apprentice trainees have no right to be appointed in preference to other applicants, that too, after lapse of several years. Therefore, mere giving direction to consider the representations of the petitioner, will not serve any

N.SATHISH KUMAR, J.



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purpose. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, the connected Miscellaneous Petition is closed.

15.09.2023

Index : Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Speaking Order/Non-Speaking Order

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To

1.The Chairman cum Managing Director,
Neyveli Lignite Corporation Limited,
Block-1, Neyveli – 607 801,
Cuddalore District.

2.The District Collector,
Cuddalore District,
Collectorate,
Manjakuppam,
Cuddalore – 607001.

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