



WP No. 5998 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 30-07-2025

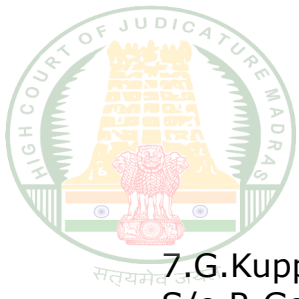
PRONOUNCED ON: 12-08-2025

CORAM

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

**WP No. 5998 of 2025
AND
WMP NO.6604 OF 2025**

1. G.Sakthivel
S/o.T.Ganesan,
No.4/12, Gandhi Street,
Lakshmipuram, Chrompet,
Chennai- 44.
- 2.M.Dhanasekar
S/o.N.Munusamy,
No.439, Dr.Ambedhkar Nagar
3rd Street, 39th Lane,
West Velacherry, Chennai- 42.
- 3.D.Vijayan
S/o.J.Dayalraj,
No.7/4, II Street, Nadukuppam,
Triplicane, Chennai-05.
- 4.A.Sudharsan
S/o.Arumugham,
No.15/39, 4th Street
Kumaran Nagar, Kaladipet,
Thiruvettiur, Chennai- 19.
- 5.V.Chandrasekar
S/o.Veerapathiran,
No.57, Adam Sahib Street,
Rayapuram, Chennai- 13.
- 6.N.Nandakumar
S/o. Natrajan, No. 41/48, Cannal
Street, Triplicane, Chennai- 05.



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7.G.Kuppusamy
S/o.R.Govindan, No.6, 3rd Street,
Triplicane, Chennai- 05.

8.B.Viswanathan
S/o. K. Balan,
No.7, 6th Street, Nadukuppam,
Triplicane, Chennai- 05.

9.P.Malakondaiah
S/o. P. Somiah,
No.18/A, Kasthuribai Street,
Cornasan Nagar, Korukupet,
Chennai- 21.

10.R.Murugan
S/o.G Ramakrishnan,
No.82, Bharathi Dasan Street,
III Rd Appavoo Nagar, Saidapet,
Chennai- 15.

11.M.Sivakumar
S/o. M. Marimuthu,
No.40, 3rd street, Nadukupppam,
Chennai- 05.

12.S.Saravanan
S/o.C.Sundaraj,
No.11/1, Srinivasapuram,
Pattinampakkam, Chennai- 28.

13.L.Thiruchendur Murugan
S/o.G. Lokeswaran,
No.12, Ballard Street,
Jawahar Nagar, Chennai- 18.

14.S.Mohan
S/o. B.Shanmigham,
No.3, 4th Street, Nadukuppam,
Lloyds Road, Chennai- 05.

15.R.Nagarajan
S/o. Radha Krishnan,
No.12, Morgan Nagar, Kolathur,
Chennai- 99.



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16.V.Anthony
S/o.A.Victor, No.1415 Ac Block,
V.O.C. Nagar, Tondiarpet,
Chennai-600 081.

17.G.Koteswara Rao
S/o.Gunturisrail, No.36, 3rd Street,
New Shastri Nagar, Korukkupet,
Chennai- 600 021.

18.S.Prakash
S/o.K Shanmugham,
12/29, West Poombuhar Nagar,
2nd Street, Kolathur, Chennai- 99.

19.E.Ravi
S/o.R.Elumalai, No.90, 8th Street,
Ambedkar Nagar, Madhavaram,
Chennai- 60.

20.M.Saravanan
S/o. M.Moorthi, No.25/22,
palaniamman Koil 1st Street,
Triplicane, Chennai- 600 005.

Petitioner(s)

Vs

1. The Union Of India
Rep By The Under Secretary To
Government, Ministry Of Shipping ,
Ports And Waterways,
Parivahan Bhavan,
No.1, Parliament Street,
New Delhi- 110001.

2.The Chairman
Chennai Port Trust,
Administrative Office, Rajaji Salai,
Chennai 600 001.

3.The Chief Engineer
Civil Engineering Department,
Chennai Port Trust, Rajaji Salai,
Chennai 600 001.

Respondent(s)



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PRAYER

Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the Under Secretary to Government, Ministry of Ports, Shipping, and Waterways, Transport Bhavan, No.1, parliament Street, New Delhi- 110 001, the 1st respondent vide his proceedings No. Nil dated 21.03.2024 and quash the same as illegal arbitrary, unreasonable being violative of rules and principles of natural justice and thereby direct the respondents to frame a scheme for absorption of the petitioners who are full term trained apprentices under Chennai port Trust in the light of the amendment made to section 22 of the Apprentices act 1961 vide Act 29 of 2014 with effect from 22.12.2014.

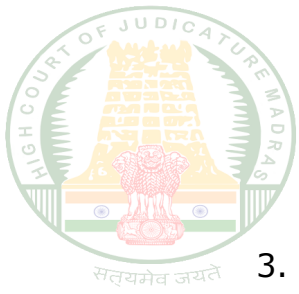
For Petitioner(s): Mr.A.R.Suresh

For Respondent(s): Dr. K.Kannan, Spc For R1
Mr.R.Ulaganathan For R2 & R3

ORDER

The instant writ petition has been filed challenging the impugned order dated 21.03.2024 by and in which the request for the appointment of the petitioners was rejected.

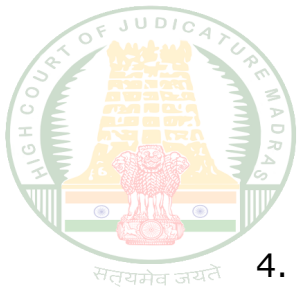
2. Heard Mr.A.R.Suresh, learned counsel for the petitioner, Dr.K.Kannan, learned Senior Panel Counsel appearing for the first respondent and Mr.R.Ulaganathan, learned counsel for the respondents 2 and 3.



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3. It is the submission of the learned counsel for the petitioner that after undergoing the written examination and oral interview, the petitioners joined respondent-Port Trust as Apprentices and took training for two years between 13.10.1995 to 12.10.1998. It is the further submission of the petitioners that on successful completion of the Apprentice Training, they were all subjected to an examination conducted by the Regional Director, Apprentice Training Program, Guindy at the Port Trust Premises. The learned counsel for the petitioners would submit that 102 Apprentices were selected along with these petitioners. Out of them, 25 were appointed as regular employees in Welder Trade and 38 were appointed as Carpenter Trade between March/April 2001. Though these petitioners were also participated in the exam, they were not considered for appointment. It is the further submission of the petitioners that, every establishment must have a policy for appointing the Apprentices in accordance with Section 22(1) of the Apprentice Act, 1961, whereas, the respondent-Port Trust does not have such policy. It is the further submission of the petitioners that taking advantage of the absence of Policy, they discriminate among the employees. It is the further submission of the petitioners that transparency in appointment of apprentice, could be sustained only if the respondents comply with the statutory mandate provided under Section 22(1) of the Apprentice Act, 1961. Hence, prayed to allow the writ petition.



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4. The aforesaid contention was strongly objected by the learned Senior Panel Counsel appearing for the first respondent and the learned Standing Counsel for the respondents 2 and 3, and they would vehemently contend that the Ministry of Surface Transport had already taken a policy decision not to appoint any persons as the Technology would bring more efficiency to the Indian Ports. Accordingly, the learned counsel would submit that they took a policy decision not to make any fresh recruitment in the Group D post. Hence, contended that when the Department had taken a policy decision, unless the same is contrary to the Statute or is tainted with *mala fide*, the same cannot be made subject to the judicial Review. Hence, prayed to dismiss the writ petition.

5. I have given my anxious consideration to either side submissions.

6. While looking at the prayer, it has two limbs. One is in respect of Certiorified Mandamus to quash the impugned order dated 21.03.2024, and the second limb is, to direct the respondents to formulate a Policy as provided under Section 22(1) of the Apprentice Act, 1961.

7. Coming to the first limb of the prayer, vide order dated 21.03.2024, the Government rejected the request of the petitioners based upon the policy decision taken by the Ministry of Ports, Shipping and Waterways, for a general ban on the recruitment of Class 4 employees on



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a regular basis. In the case in hand, the petitioners are aspiring only for Class 4 employment. The learned Standing Counsel for the respondent would invite the attention of this Court about the letter dated 07.09.2000, wherein the Chairman of all the Major Port Trusts were advised to reduce the manpower as the optimum use of technology would give a better results. Therefore, when the Government has taken a policy decision to ban the recruitment of Class 4 employees, this Court has no ground to interfere with the same, as it is admittedly not the case of the petitioners that the impugned order is tainted with *mala fide*. Therefore, as far as the first limb of the petitioners' prayer, they cannot have any relief before this Court.

8. As far as the second limb of their prayer, the scheme for absorption of the Apprentices as provided under Section 22 of the Apprentice Act, 1961. For ready reference, Section 22 of Apprentice Act is extracted hereunder:-

"22. Offer and acceptance of employment.—1[(1)

Every employer shall formulate its own policy for recruiting any apprentice who has completed the period of apprenticeship training in his establishment.]

(2) Notwithstanding anything in sub-section (1), where there is a condition in a contract of apprenticeship that the apprentice shall, after the successful completion of the apprenticeship training, serve the employer, the employer shall, on such completion, be bound to offer suitable employment to the apprentice, and the apprentice shall be bound to serve the employer in that capacity for such period and on such remuneration as may be specified in the contract:

Provided that where such period or remuneration is not, in the opinion of the Apprenticeship Adviser, reasonable, he may revise such period or remuneration so as to make it reasonable,



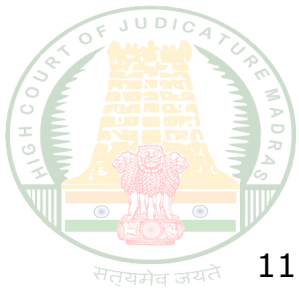
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and the period or remuneration so revised shall be deemed to be the period or remuneration agreed to between the apprentice and the employer.”

9. According to the above Section, it is incumbent on the employer to formulate his own policy for recruiting any apprentices, who have completed the period of apprentice training in his establishment. Here, it is not in serious dispute that there was a selection of apprentice during 1995 and some of them were absorbed into the regular employment. Whereas, the petitioners and some others were not inducted into the Port Trust as regular employees. The only reason assigned by the respondents is that there was general ban on recruitment.

10. But, to have an effective and transparent administration, when a statute expects the employer to frame a policy for recruiting any apprentices, the respondent, being one of the major Port Trusts should be a model employer and must have been at the forefront in formulating such a policy. In the case in hand, merely because there is a general ban for recruitment, it does not give any liberty to the employer not to frame any policy, which is nothing but in contravention to Section 22 of the Apprentice Act, 1961. Therefore, this Court is of the view that the respondents 2 and 3 ought to have framed a policy so as to recruit the apprentices in the event the authority wants to permanently employ the Apprentices.



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11. The learned Standing Counsel for the respondent would fairly admit that so far they do not have such policy. Therefore, it becomes necessary for this Court to direct the respondents 2 & 3 to frame a policy as mandated under Section 22 of the Apprentice Act, within a reasonable period.

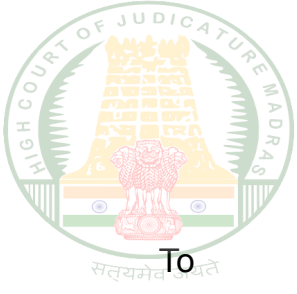
12. In view of the above detailed discussions, this writ petition is partly allowed only to the extent of directing the respondents 2 and 3 to frame a policy for recruitment of apprentices, as mandated under Section 22 of the Apprentice Act, within a period of six (6) months from the date of receipt of a copy of this order. As far as the relief in respect of quashing of the impugned order dated 21.03.2024, this writ petition stands dismissed.

13. In the result, the writ petition is partly allowed as indicated above. There shall be no order as to costs. Consequently, the connected WMP is also closed.

12-08-2025

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Index:Yes
Speaking order
Internet:Yes
Neutral Citation:Yes



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To

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1.The Union Of India
Rep By The Under Secretary To
Government, Ministry Of Shipping ,
Ports And Waterways,
Parivahan Bhavan, No.1,
Parliament Street,
New Delhi- 110001.

2.The Chairman
Chennai Port Trust,
Administrative Office,
Rajaji Salai, Chennai 600 001.

3.The Chief Engineer
Civil Engineering Department,
Chennai Port Trust, Rajaji Salai,
Chennai 600 001.



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C.KUMARAPPAN J.

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And
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