



W.P.No.5120 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.No.5120 of 2025

and

WMP.No.5682 of 2025

1. V.Kanthan
2. A.Gunasekaran
3. R.Murugavel
4. R.Sathiyapriya
5. M.Jaya
6. P.Veermani
7. V.Shanmugam
8. P.Ramajayam
9. D.Karthick
10. R.Rajesh
11. S.Jayabalan
12. S.Janardhanan
13. J.Rajasekaran
14. R.Suresh
15. S.Ramesh
16. R.Senthilmurugan
17. K.Rathinavel
18. S.Magesh
19. A.Pravinraj
20. R.Thiruneelan
21. T.Suresh
22. S.Chandran
23. S.Sankar
24. T.Sivasankar

...Petitioners



W.P.No.5120 of 2025

Vs.

1. The Neyveli Lignite Corporation Limited,
Represented by its Chairman cum Managing Director,
Block 41, Neyveli – 607 801, Cuddalore District.
2. The Executive Director, (Human Resource),
Corporate Office,
M/s. NLC India Limited,
Block 1, Neyveli – 607 801, Cuddalore District.
3. The Chief General Manager (Industrial Relations),
Corporate Office,
NLC India Limited,
Block 1, Neyveli – 607 801, Cuddalore District.
4. The District Collector,
Cuddalore District, Collectorate,
Manjakuppam, Cuddalore.
5. The Principal Secretary and Commissioner of Labour,
Labour Department,
DMS Campus, Chennai – 600 006.

...Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Mandamus directing the respondents 1 to 3 to comply with section 12 of the Apprentices (Amendment) Act, 2014 and to formulate their own policy for recruiting the petitioners who have undergone apprenticeship training in the 1st respondent Corporation and has completed the period of apprenticeship training successfully in their corporation with a consequential direction to appoint the petitioners without reference to their age in the 1st Respondent corporation within a stipulated time.



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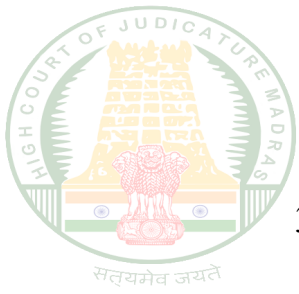
For Petitioners : Mr.T.P.Prabakaran

For Respondent : Mr.N.Nithianandam, for R1 to R3

ORDER

The petitioners have filed this Writ petition seeking direction to the respondents 1 to 3 to comply with section 12 of the Apprentices (Amendment) Act, 2014 (in short 'Act') and to formulate their own policy for recruiting the petitioners who have undergone apprenticeship training in the 1st respondent Corporation and completed the period of apprenticeship training successfully and to consequently direct the respondents 1 to 3 to appoint the petitioners in the 1st respondent corporation, without reference to their age.

2. Mr.N.Nithianandam, learned counsel takes notice on behalf of the respondents 1 to 3. In view of the consent expressed by the learned counsel on either side, this Writ petition is taken up for final disposal at the admission stage itself.



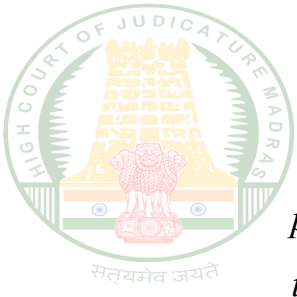
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3. Since no adverse order is being passed against the 4th and 5th respondents, notice to the 4th and 5th respondents is dispensed with.

4. When the matter is taken up for consideration, it is brought to the notice of this Court that similar issue has been raised before this Court in W.P.No.27221 of 2023 and this Court, vide order dated 15.09.2023 had dismissed the said writ petition by relying upon the decision of the Hon'ble Division Bench of this Court in W.A.No.235 of 2005 and held that the apprentice trainees have no right to be appointed in preference to other applicants, that too, after a lapse of several years.

5. This Court perused the order passed in W.P.No.27221 of 2023, wherein, this Court has held as under :-

“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 grievance of the petitioner is that the respondent Corporation have not



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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 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,



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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



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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.?”



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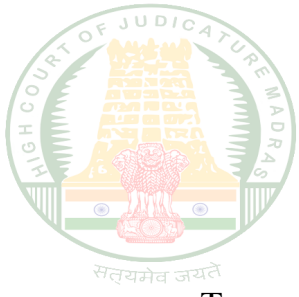
4.In the light of the above decision, this Court is of the view that the apprentice trainees have no right to be appointed in preference to other applicants, that too, after lapse of several years. Therefore, mere giving direction to consider the representations of the petitioner, will not serve any purpose. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.”

6. The aforesaid decision is squarely applicable to the facts of the present case. Accordingly, applying the ratio laid down above, this Writ petition stands dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

17.02.2025

skt

NCC : Yes/No
Index : Yes/No
Speaking Order : Yes/No



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To:

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Represented by its Chairman cum Managing Director,
Block 41, Neyveli – 607 801, Cuddalore District.
2. The Executive Director, (Human Resource),
Corporate Office,
M/s. NLC India Limited,
Block 1, Neyveli – 607 801, Cuddalore District.
3. The Chief General Manager (Industrial Relations),
Corporate Office,
NLC India Limited,
Block 1, Neyveli – 607 801, Cuddalore District.
4. The District Collector,
Cuddalore District, Collectorate,
Manjakuppam, Cuddalore.
5. The Principal Secretary and Commissioner of Labour,
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M.DHANDAPANI, J.

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