

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.18612 OF 2024
WITH
INTERIM APPLICATION NO.1851 OF 2026
IN
WRIT PETITION NO.18612 OF 2024**

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Union of India
Through General Manager
Central Railway & Anr.

.. Petitioners

Vs.

Kamlesh Kumar Nagpure

.. Respondent

...

Mrs. Anjali Neel Helekar, Advocate for the Petitioners

None for the Respondent

**CORAM : SHREE CHANDRASHEKHAR, CJ &
GAUTAM ANKHAD, J.**

DATE : 9th MARCH 2026

P.C. :

Aggrieved by the order dated 16th April 2024 in Original Application No.81 of 2019 filed by the respondent-Employee, the Union of India has invoked the jurisdiction of this Court under Article 226 of the Constitution of India.

2. In Original Application No.81 of 2019, the claim made by the respondent that he is entitled for the first Modified Assured Career Progression (in short, the MACP) with effect from 15th June 2014 has been allowed by the Tribunal. There is no dispute that the respondent was appointed as Apprentice JE-II on 15th June 2004 through the Railway Recruitment Board and he was sent for training. According to the Employer-Union of India, the respondent was given regular posting under Sr. DEE (TD) at Kalyan vide order dated 18th October 2006 but he did not tender his joining at that

time. On the other hand, this is a stand taken by the respondent that he was granted the benefits of two increments during his training period and he is entitled to the MACP benefits from the date of his appointment as Apprentice JE-II and not from 4th January 2017.

3. Mrs. Anjali Neel Helekar, the learned counsel for the petitioner-Union of India refers to clause 1902, 1912 and 1914 under Chapter XIX in the Indian Railway Establishment Manual (in short, the Manual) and submits that the appointment of the respondent was not against the substantive vacancy. There was no promise made to the respondent while he was appointed as an apprentice that he shall be given regular appointment. The learned counsel for the petitioners refers to the letter dated 29th April 2011-Exhibit-C to the Interim Application No.1851 of 2026 and submits that the period of apprenticeship shall not be counted for the grant of MACP benefits.

4. Paragraph 1902 of the Manual provides that an apprentice deputed for training in a trade or business is not considered employed against the substantive vacancy in the cader. Clause 1912 of the Manual further provides that on successful completion of apprenticeship, subject to suitability, the apprentice shall be absorbed against the working post. Various provisions under the Manual simply indicate how an apprentice shall be posted and imparted training. Clause 1914 which shows that no guarantee or promise of employment can be given to an apprentice is a simple factual scenario which is applicable in all cases of probation or apprenticeship.

5. This is quite well known that a probationer does not acquire a vested right for appointment unless he successfully completes the period of probation and confirmed in service. The very fact that

clause 1914 provides that an apprentice shall be absorbed with effect from the working day next to his completing the apprenticeship recognizes a right in such apprentice that he is entitled for counting of the period spent on apprenticeship. In legal parlance, the absorption or confirmation in service shall mean that the service of the Government employee shall relate back to the date of initial appointment. In view of the above legal proposition, the respondent was rightly held entitled for the first MACP with effect from 15th June 2014 and not from 4th January 2017.

6. In view of the aforesaid, Writ Petition No.18612 of 2024 is dismissed. Interim Application also stands disposed of.

[GAUTAM ANKHAD, J.]

[CHIEF JUSTICE]