

Ashish Mathur

Vs

Oil And Natural Gas Commission and Others

Civil Appeal No. 2443 of 1991

(Dr. T. K. Thommen, R. M. Sahai JJ)

07.05.1991

ORDER

1. Leave granted. Application to implead is allowed.
2. In the light of the judgment of the Gujarat High Court which is now impugned, and subsequent orders made by the Central Government, it is stated on behalf of the Union of India and the ONGC that the Scheme has been discontinued for the future.
3. However, the appellant who has undergone training according to the Scheme legitimately expects that he would be absorbed by the ONGC. The Scheme was started pursuant to a decision to give training to the wards of the employees of the ONGC and, if found fit, to offer them appointment in the Commission. It was the clear understanding of all concerned that the trainees would be appointed if they were found fit in accordance with the Rules then in force.
4. We make it clear that, although the Scheme has been discontinued for the future, the Scheme existed at the relevant time and it was pursuant to and in terms of the Scheme that the appellant had undergone his training. He had at all material times a legitimate expectation to be appointed, if found fit for appointment. It is also in the public interest that the ONGC does not waste the talents of trainees like the appellant if they are fit for appointment.
5. In the circumstances, we direct the respondent-ONGC to consider the appellant for appointment according to the Rules which prevailed at the time of his training. The appeal is allowed in the above terms.

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