

Central Administrative Tribunal
Principal Bench

O.A.No.1891/2002

Hon'ble Shri V.K. Majotra, Member (A)
Hon'ble Shri Shanker Raju, Member (J)

New Delhi, this the 10th day of September, 2003

Liladhar M. Dorlikar
s/o Shri Moti Ram Ji
r/o 602-D/9B Ward No.3
Gandhi Colony Mehrauli
New Delhi - 30. ... Applicant

(By Advocate: None)

Vs.

1. Union of India through
Secretary to the Govt. of India
Ministry of Social Justice &
Empowerment,
Shastri Bhawan
New Delhi.
2. Secretary
National Commission for SC/ST
Vth Floor, Lok Nayak Bhawan
New Delhi.
3. Director, Staff Selection Commission
Department of Personnel and Training
Ministry of Personnel Public Grievance
and Pension, Block No.12
CGO Complex, Lodhi Road
New Delhi. ... Respondent

(By Advocate: None for Rs. No.1 and 2.
Sh. S. Mohd. Arif for Respondent No.3)

O R D E R (Oral)

By Shri Shanker Raju, Member (J):

Applicant impugns memorandum dated 3.5.2002
issued by Staff Selection Commission cancelling the
candidature of the applicant for the post of
Investigator as well as memorandum dated 17.6.2002
where the request of the applicant for appointment as
Investigator on ad hoc in the National Commission for
SC and ST has been turned down. Quashing of the
aforesaid orders has been sought with the direction for

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accord of age relaxation of the applicant and
interview him as a supplemental candidate and be
appointed by creating a supernumerary post.

2. Applicant was appointed on ad hoc basis as Investigator in the National Commission for Scheduled Caste and Scheduled Tribe for a period of 89 days which continued from time to time.

3. Applicant in pursuance of an advertisement applied for regularisation through selection by Staff Selection Commission to the post of Investigator.

4. By an order dated 15.11.2001 applicant was not found eligible for the post in OBC category on the ground of requirement of Masters Degree in Social or Applied Anthropology.

5. Being aggrieved, applicant filed OA 901/2002. By an order dated 3.4.2002 respondents have been directed to treat the OA as a representation and be disposed of by passing a detailed and speaking order, and until orders are passed, respondents were restrained from issuing appointment orders in respect of posts referred for OBC.

6. Respondents through the impugned orders rejected the request of the applicant. Applicant was not called for the interview for being overage despite according him maximum relaxation in the upper age limit as admissible to OBC candidate. None appears

for the applicant despite second call, we dispose of this OA in terms of Rule 15 of the CAT (Procedure) Rules, 1987.

7. Placing reliance on DoPT's OMs dated 20.5.1988, and 30.1.1990, it is contended that age relaxation can be given for a period of five years for Government servant. As envisaged in the recruitment rules dated 23.10.1984 OBC candidate is eligible for three years age relaxation in addition to five years relaxation, on account of being a departmental candidate as such the applicant was within age limit and was not considered for being called for interview in the process of selection for the purpose of appointment to the post of Investigator.

8. Sh. S.M.Arif, learned counsel appearing on behalf of respondents, strongly rebutted the contentions and stated that as per the Investigator, Ministry of Home Affairs Commission for SC/ST Recruitment Rules, 1984, the maximum upper age limit is 25 years which is relaxable on account of being an OBC and moreover, five years relaxation is to the Government servant as per the instructions issued by the Government. Referring to the instructions, it is stated that the same should applicable only to regular Government servants. In this view of the matter, it is stated that the case of the applicant was referred to the DoPT for upper age relaxation and as per its advice dated 23.12.2002, as the relaxation is admissible to only regularly appointed Central Government employees, the same is not extendible to ad

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hoc employees. Admittedly, the applicant was an ad hoc Investigator as such, being age ~~barred~~⁴, he cannot be considered for the aforesaid selection.

9. We have carefully considered the rival contentions of the parties and perused the material on record. From the perusal of recruitment rules, it is crystalised that the upper age limit is relaxable to five years only in case of Government servant. A Government servant as per the instructions and clarification by the DoPT, the controlling authority is a regularly appointed Central Government employee, an ad hoc employee who has no regular status, these OMs cannot be applied to such a case. In this view of the matter, as the applicant despite accord of age relaxation, on account of being an OBC, and as the permissible five years relaxation is not applicable to him was certainly age barred on the date of advertisement as such cancellation of his candidature cannot be found fault with.

10. The orders passed by the respondents rejecting his claim do not suffer from any illegal infirmity. In the result, OA is bereft of merit and is accordingly dismissed. No costs.

S. Raju
(Shanker Raju)

Member (J)

V.K.Majotra
(V.K.Majotra)

Member (A)

/rao/