

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

O.A.No.98/2020

Dated Wednesday, the 29th day of January, 2020

PRESENT

Hon'ble Mr.P.Madhavan, Judicial Member

&

Hon'ble Mr.T.Jacob, Administrative Member

R.K.Shaji,

Junior Engineer (Air Conditioner),

Jawaharlal Institute of Post Graduate

Medical Education and Research (JIPMER),

Puducherry 605006.

....Applicant

By Advocate M/s. Issac Chambers

Vs

1.The Union of India,

rep by its Secretary,

Ministry of Health and Family Welfare,

ME-III Section, No. 537-B A wing,

Nirman Bhavan, New Delhi 110108.

2.The Director,

Jawaharlal Institute of Post Graduate

Medical Education and Research (JIPMER),

Puducherry 605006.

3.The Deputy Director (Administration),

Jawaharlal Institute of Post Graduate

Medical Education and Research (JIPMER),

Puducherry 605006.

....Respondents

By Advocate Mr. M. T. Arunan

(Order: Pronounced by Hon'ble Mr.P.Madhavan, Member(J))

Heard. The applicant has filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

“(a)For an order calling for the records relating to the impugned notification issued by the 2nd respondent Director in Advt.No.Admn-I/DR/1(1)/2019 dated 14.12.2019 and quash the same.

(b)For a direction directing the 2nd respondent Director to absorb the applicant into the post of Junior Engineer (Air Conditioning) in the 2nd respondent institute on regular basis with all attendant benefits.

(c)To grant such further or other relief or reliefs as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case and thus render justice .”

2. The applicant, after undergoing a due selection process, has been appointed as Junior Engineer (Air Conditioning) in JIPMER on contractual basis w.e.f 20.05.2010 and he is working as such with artificial breaks. In the year 2013, when the applicant was within the age limit of 30 years, though the 1st respondent allotted budgetary provision for filling up various posts including the post of Junior Engineer (Air Conditioning), the 2nd respondent, for no reason, had not notified for filling up the post of Junior Engineer (Air-Conditioning) on regular basis. The applicant's grievance is had the post of Junior Engineer (Air-Conditioning) been notified at that point of time, the applicant could have participated in the same and got selected for the said post on regular basis. Thereafter, also he represented the 2nd respondent orally to notify the above post or to absorb him as regular employee considering his long service. In the mean time, he crossed the age of 30 years on 25.06.2016. While so, on 14.12.2019 the 2nd respondent has issued notification inviting applications for filling up various posts including one post of Junior Engineer (Air Conditioning). The mode of submitting application is through on-line from 18.12.2019 and the last date for submitting application is 20.01.2020. Because he has crossed the age

limit, the applicant could not apply for the said post. He made representation dated 21.12.2019 to the competent authority to absorb him in the post of Junior Engineer (Air Conditioning) on regular basis which is still pending and hence the OA.

3. When the matter came up for hearing, learned counsel for the applicant would submit that applicant will be satisfied if the competent authority is directed to consider his representation dated 21.12.2019 and pass orders, within a stipulated time limit and till such time he prayed for interim relief. Further, the applicant is ready to give a fresh representation regarding all his grievance, including age relaxation.

4. Mr.M.T.Arunan counsel for the respondents opposes the interim relief and submits that the respondents have no objection for disposal of the representation of the applicant on merits.

5. In view of the limited relief sought and without going into the merits of the case, the OA is disposed of in the following lines:

"The applicant is directed to give a fresh, comprehensive representation to the competent authority stating all his grievances including the request for age relaxation within one week from today and the competent authority is directed to consider the said representation of the applicant including his request for age relaxation on the basis of the relevant rules and regulations and pass a reasoned and speaking order, within a period of one month from the date of receipt of such representation. "

**(T.JACOB)
MEMBER (A)**

29.01.2020

**(P.MADHAVAN)
MEMBER (J)**

M.T.