

**Central Administrative Tribunal
Madras Bench**

OA/310/00055/2017

Dated the 24th day of February Two Thousand Twenty

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

R.Sakthivel,
S/o M.Ramalingam,
No.22, N.S.C. Bose Street,
Karaikal 609 602. .. Applicant
By Advocate **M/s.M.Gnanasekar**

Vs.

1. Union of India rep by
Secretary to Government,
(Health Department),
Chief Secretariat,
Puducherry.
2. The Director,
Directorate of Health & Family Welfare Services,
Puducherry.
3. N.Naren Babu
4. C.Venkathir
5. Z.Iyyappan
6. R.Jaicken Jaipratha
7. S.Yogeswari
8. Esther Nirmala Mary
9. R.Saratha
- 10.P.Ramya .. Respondents
(Respondents 3 to 10 are selected as Filaria
Inspector Service through, The Director,
Directorate of Health & Family Welfare
Services, Puducherry).

By Adovacte **Mr.R.Syed Mustafa (R1&2), M/s.Sreethi Law Firm(R7,9&10)**

ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OA is filed seeking the following relief(s):-

“i) to set aside the order No.A.12020/1(5)/2015/E5/DHFWS/3 dated 04.1.2017 passed by the 2nd respondent and consequently direct the respondents to appoint the applicant as Filaria Inspector with all consequential monetary and other service benefits; and

ii) to pass such further orders as are necessary to meet the ends of justice.

Iii) Award costs and thus render justice .”

2. The applicant's case in brief is that he is working as Full Time Sanitary Assistant from 2000 onwards. He is working as a Full Time Casual Worker w.e.f. 11.9.06 to 19.10.14.

3. The applicant had passed plus two (+2) in Science group in 1996. He had also undergone training in Filaria Inspector conducted by National Centre for Disease Control (NCDC) and successfully obtained certificate on 20.7.15.

4. The 2nd respondent called for applications from eligible candidates for filling up of vacancies of 8 posts of Filaria Inspector on 26.8.15. The applicant submitted application for the post on 18.9.2015.

5. Eventhough he had the qualification prescribed, the respondents had not considered him for appointment. The Select List was published on 04.1.2017.

6. The respondents appeared and filed reply statement. They admitted the

notification of posts of Filaria Inspector as per common notification (Annexure A13).

But according to them, as per the Recruitment Rules (RR) for the post of Filaria Inspector (Annexure R2), the required qualifications are

1) A pass in Higher Secondary with Science as one of the subject or equivalent from a recognized Board/University.

2) Certificate of having undergone Special Training in a Filariasis training Centre recognized by the Government.

7. The age limit prescribed in Notification for Direct Recruits is 18 to 32 years as on 25.9.15. An additional 3 and 5 year relaxation is permitted for OBC, MBC, EBC, SC etc. The candidates sponsored by Employment Exchange are awarded further additional age benefit by 5 years plus the normal age concession.

8. Out of the 83 applications received, only 9 candidates were found eligible. The applicant herein had also applied for the post. It was found that he is not having the required 3 year **regular** service in Health Department for considering as an in-service candidate. The applicant was a Part Time/Daily Rated Employee till 25.9.06. Thereafter, he was appointed as Sanitary Worker on regular basis as per order dt. 20.10.14. He was working in the office of Deputy Director (Immunization), Karaikal and he was not having 3 year regular service in the same line or allied cadre as prescribed in the schedule of RR for Government Servants. The applicant was aged 37 years and 3 months at the time of application. The maximum age relaxation available under MBC quota was only 3 years. The applicant was aged more than 35 years for considering him under Direct Recruitment. He had no 3 year regular service for considering as an in-service candidate. Accordingly, he was not found

eligible for appointment and his application was rejected.

9. We have heard both sides and perused the pleadings and documents produced. As per RR, for considering the applicant as an in-service candidate, he should have 3 years regular service. The applicant was regularly appointed only on 20.10.14. So, he is not eligible to be considered as an in-service candidate. The applicant was aged 37 years and 3 months on the date of application. Since the applicant belongs to MBC Quota, he is eligible for 3 year relaxation in age. If we consider him for Direct Recruitment, the maximum age should not be above 35 years. So, in that account also the applicant is not eligible to apply. The respondents had clearly shown that he is not eligible to be considered for the post as an in-service candidate or as a Direct Recruit candidate.

10. We find no illegality or arbitrariness in the rejection of the application. So, we find that the applicant was not eligible for applying to the post of Filaria Inspector as per the RR.

11. So, there is no merit and the OA will stand dismissed. No costs.

(T.Jacob)
Member(A)

(P.Madhavan)
Member(J)

24.02.2020

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