

(17) (10)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2087/2001

Friday, this the 12th day of July, 2002

Hon'ble Shri S.A.T. Rizvi, Member (A)

Shri Lekhraj  
son of Shri Man Chand  
R/O T-572, F-3, Gali No.2  
Vijay Marg, Baljit Nagar  
New Delhi-8

..Applicant

(By Advocate: Shri G.K.Srivastava)

Versus

1. Council of Scientific and  
Industrial Research  
Rafi Marg, New Delhi  
through its Director General
2. National Environment Engineering  
Research Institute (NEERI)  
(Delhi Zonal Laboratory)  
Owned by CSIR  
Inside Chandrawal  
Water Works No.2  
Shamnath Marg, Delhi-54  
through its Scientist and Head

..Respondents

(By Advocate: Shri Rakesh Garg)

O R D E R (ORAL)

Heard the learned counsel appearing on either side.

2. The applicant was initially engaged as a Staff Car Driver through a contractor, In other words, he was hired as a contract labour. He was at the material time below twenty eight years of age. While he was working in the aforesaid capacity, the respondents issued an advertisement for filling the post of Staff Car Driver on regular basis. The applicant's case was not to be considered for regular appointment as he had, in the meantime, become over age. By an interim order, this Tribunal allowed the applicant to appear at the

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interview. The respondents have accordingly interviewed the applicant, but the result of the interview has been kept in sealed cover. The respondents are awaiting the outcome of the present OA before opening the sealed cover.

3. The learned counsel appearing on behalf of the applicant submits that the present matter is covered by the judgement of a Division Bench of the Jaipur Bench of this Tribunal in Baij Nath Tiwari Vs. Union of India & Ors. dated on 17.5.2002 (OA-350/2001). By the aforesaid order, the Division Bench has held as follows:-

"6. It is also the admitted position that applicant was engaged on contract basis on 7.7.92, when he was below 28 years. The applicant is, therefore, eligible for age relaxation by excluding the period for which he has been engaged with the respondents i.e. from 7.7.92 onwards. On this ground, the respondents ought to have given the age relaxation to the applicant and permitted him to take the interview for selection to the post of Driver.

7. For the reasons stated above, the OA is allowed and the respondents are directed to consider the candidature of the applicant for the post of Staff Car Driver by granting age relaxation by excluding the period of his engagement with respondents as Driver since 7.7.92."

4. The learned counsel submits that in view of the aforesaid judgement of the Division Bench, the present matter should be disposed of with a similar direction.

5. I have considered the submissions made on either side and find that it will be just, fair and proper to dispose of the present OA wholly in terms of the order

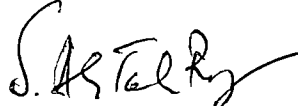
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passed by the Division Bench. Accordingly, the respondents are directed to open the sealed cover and if the recommendations made by the selection committee are found to be in favour of the applicant, proceed to appoint him to the regular post of Staff Car Driver without loss of time. This be done within a maximum period of one month from the date of receipt of a copy of this order. I direct accordingly.

6.. The present OA is disposed in the aforestated terms. No costs.

  
(S.A.T. Rizvi)  
M (A)

/sunil/