

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No. 3208/2001

New Delhi this the 29th day of November, 2001

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

Bal Kishan  
S/o Shri Suraj Mani  
R/o E-413, Kidwai Nagar East  
New Delhi-110023.

-Applicant

(By Advocate: Shri A.K. Trivedi)

Versus

1. Union of India  
Through its Secretary  
Ministry of Defence  
South Block, New Delhi.
2. The Director General (NCC)  
Directorate of NCC, Pachim Khand-IV  
R.K. Puram, New Delhi.

-Respondents

ORDER (Oral)

Shri A.K. Trivedi, learned counsel of the applicant heard.

2. The applicant has assailed an order dated 13.7.2001 (Annexure A-1) whereby his application dated 10.11.99 for relaxation of age for a period of 1 month and 10 days for recruitment and regularisation of services against a Group 'D' post in pursuance of order dated 19.4.2001 in OA No.1192/2000 has been rejected.

3. Learned counsel stated that the respondents have rejected his request despite a provision in the Recruitment Rules issued on 3.10.1989 (Annexure A-5) for relaxation of provisions of these rules. It is claimed that the applicant had worked as casual labour with the respondents w.e.f. 23.8.91 for a total period of 990

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days till his services were terminated in 1995. His case was considered for regularisation in Group 'D' post in 1993 and vide orders dated 6.12.93, the respondents rejected his case on the ground that he was over aged by a period of one month and 10 days at the time of his initial appointment. The learned counsel stated that in case it is not possible for the respondents to regularise ~~the~~ applicant against any group D post, he should at least <sup>be</sup> accorded temporary status from the date he completed 206 days in service in accordance with the provisions of OM dated 10.9.93 and that he should be considered for re-engagement as casual labour in future as there is no age limit for such engagement.

4. In the National Cadet Corps Organisation (Group 'D' posts) Recruitment Rules, 1989 (Annexure A-5) Rule-7 relating to power to relax reads as follows:-


"Where the Central Government is of the opinion that it is necessary to expedient so to do, it may, by order, for reasons to be recorded in writing, relax any of the provisions of these rules with respect to any class or category of persons".

Under this provision, the Central Government may relax the provisions of these rules only with respect to any class or category of persons. This disposition cannot be made applicable to the case of an individual. It can be applied only to a class or category of persons for reasons to be recorded in writing. The respondents cannot be faulted with <sup>f</sup>or not having accorded relaxation in the age limit in the case of the applicant <sup>being</sup> an individual only.

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5. The question now is whether the relief regarding grant of temporary status and for re-engagement as casual labour in future can be granted to the applicant in this OA. To a specific query, whether this relief had been sought in the earlier OA, the learned counsel replied in the negative. Surely, the issue of temporary status cannot be raised in the present OA. Although, legally this court cannot direct the respondents to consider applicant's case for grant of temporary status and for re-engagement as casual labour. The respondents may in their own volition consider applicant's case for accord of temporary status and re-engagement as casual labour on humanitarian grounds.

6. This OA is disposed of in the above terms. No costs.

  
(V.K. Majotra)  
Member (A)

cc.