

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-458/98

New Delhi this the 3rd day of December, 1998.

Hon'ble Shri T.N. Bhat, Member(J)
Hon'ble Shri S.P. Biswas, Member(A)

Shri Prakash Singh,
S/o Shri Bhagwan Singh,
R/c 647, VIII.&P.O. Bijwasan,
New Delhi. Applicant

(through Sh. N.S. Dalal, advocate)

versus

1. Union of India,
through its Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. Commandant,
Central Vehicle Depot,
Delhi Cantt.,
New Delhi-10. Respondents

(through Shri Gajender Giri, advocate)

ORDER(ORAL)

Hon'ble Shri T.N. Bhat, Member(J)

1. Heard the learned counsel for both the parties.

2. The question in controversy in this O.A. really lies in a narrow compass. While on the one hand, the applicant contends that for recruitment as Civilian Motor Driver Grade-II, the Recruitment Rules applicable would be those issued under SRO 225 dated 9.7.80, on the other hand, the learned counsel for the respondents states that the relevant Recruitment Rules would be those contained in SRO 97 dated 31.3.79. Under the former rules, the prescribed age limit is 35 years while in the latter it is only 25 years. In the instant case,

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3.12.98

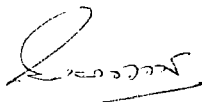
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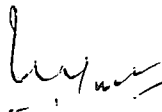
applications have been called for Civilian Motor Drivers Grade-II which is a post included in SRO 225, the maximum age limit of which is 35-years. SRO 97, on the other hand, applies ^{to} ~~the~~ Driver Grade-II. Apparently, the stand taken by the respondents is wrong as the post advertised was Civilian Driver Grade-II while the age restriction now being sought to be applied relates to the post of Driver Grade-II.

3. It is also not disputed that the case of the applicant was considered and after holding the interview he was also called for medical examination. Later, however, his candidature was cancelled on the ground that he was over-age as the prescribed age was 25 years. The learned counsel for the applicant vehemently argues that under SRO 225, the upper age limit is 35 years and the applicant was within the prescribed age and, therefore, his candidature could not be cancelled. The learned counsel for the respondents disputes the correctness of this contention.

4. After considering the rival contentions of the learned counsel for the parties, we are inclined to agree with the contention of the applicant's counsel that the Recruitment Rules applicable to a Civilian Motor Transport Driver under the Defence Headquarters, Ministry of Defence, Group-C would be those laid down in SRO 225, and the Recruitment Rules relating to Driver Grade-II would not be applicable.

5. For the foregoing reasons, we allow this O.A. and quash the order of respondents cancelling the candidature of the applicant and direct the respondents to consider the case of the applicant under SRO 225 and pass appropriate orders. No costs.


(S.P. Biswas)
Member(A)


3.12.98
(T.N. Bhat)
Member(J)

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