

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. NO. 1071 of 1995

New Delhi this the 8th day of June, 1995.

HON'BLE SHRI JUSTICE S. C. MATHUR, CHAIRMAN
HON'BLE SHRI P. T. THIRUVENGADAM, MEMBER (A)

V. Ratheesh 'Ashwati',
P.O. Parapuram,
Tellicherry,
Cannanore Distt.,
Kerala.

... Applicant

(By Shri Naveen R. Nath with Shri Vijay Kumar,
Advocates)

Versus

1. The Union Public Service Commission,
through its Secretary,
Shahjahan Road,
New Delhi.
2. The Department of Personnel &
Training, Ministry of Personnel,
Public Grievances & Pensions,
through its Secretary,
North Block, New Delhi.
3. The Ministry of Welfare
through its Secretary,
6th Floor, 'A' Wing,
Shastri Bhawan,
New Delhi - 110001. ... Respondents

ORDER (ORAL)

Shri Justice S. C. Mathur -

The sum and substance of the applicant's
grievance is that persons belonging to Other
Backward Classes (OBCs) are not being given the
concessions in reservations etc. to the extent they
are being given to Scheduled Castes (SCs) and
Scheduled Tribes (STs).

2. For the Civil Services Examination (Preliminary) 1995, the maximum age has been fixed as 28 years. For candidates belonging to SC and ST, there is relaxation of five years. Thus, candidates belonging

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to these categories are eligible upto the age of 33 years. Such candidates who have been rendered disabled in hostility with any foreign country or in a disturbed area, and released from service as a consequence thereof, a relaxation of eight years is permitted; such candidates are, therefore, eligible upto the age of 36 years. For other backward classes the relaxation is only to the extent of three years. The learned counsel for the applicant has submitted that after the identification of creamy layer in the OBCs in pursuance of the apex court's judgment, the reservation in favour of the OBCs became operative only from the year 1994 and, therefore, there should be at least one-time concession in favour of OBCs to the extent extended to SCs and STs.

3. The sum and substance of the argument, as already stated, is that the OBCs are entitled to concession at par with the SCs and STs. In our opinion, SCs and STs constitute a class distinct from OBCs. OBCs cannot be said to have suffered socially and otherwise to the extent SCs and STs have suffered. In our opinion, the OBCs cannot claim parity in every detail with SCs and STs. The learned counsel for the applicant submitted that the applicant is not claiming parity with SCs and STs but his claim is that by way of one-time concession age relaxation should be given to OBCs. It is for the administrative authority to consider whether concession is to be given or not. Once the administrative authority decides that concession has to be given to a class of persons, the extent to which the concession is to

be given also falls within the province of the administrative authority. The administration in the present case has decided to give concession in favour of three categories of persons mentioned hereinabove. The extent of concession is not identical in respect of all the three classes. The OBCs, as already observed, have not been completely deprived of reservation. It may be that the applicant on account of the age bar is unable to avail of the concession given, but there may be quite a number of OBCs who would be benefitted by the concession given. Concessions are given as a matter of policy and not by taking into consideration the hardships of individuals. The application is accordingly devoid of merit.

4. In view of the above, the application is dismissed in limine.

P. T. Thiruvengadam
(P. T. Thiruvengadam)
Member (A)

S. C. Mathur
(S. C. Mathur)
Chairman
8.6.95

/as/