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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH.

O.A. NO. 1518/96

New Delhi this the 19th day of July, 1996.

Hon'ble Mr. Justice A.P. Ravani, Chairman.

Hon'ble Mr. R.K. Aahooja, Member(A).

1. Anil Kumar Dabral,
Qr. No. 67, Sector IV,
R.K. Puram,
New Delhi.
2. Mrs. Suchandra Mukherjee,
JA/44-F, LIG Flats,
Mayapuri,
New Delhi.

.. Applicants.

By Advocate Shri C.N. Sreekumar.

Versus

1. The Secretary,
Union Public Service Commission,
Dholpur House,
New Delhi.
2. The Director General,
Archaeological Survey of India,
Janpat,
New Delhi.

.. Respondents.

ORDER (ORAL)

Hon'ble Mr. Justice A.P. Ravani, Chairman.

The applicants pray that the respondents should be directed to call them for the interview to be held between July 22, 1996 and July 25, 1996 for the post of Assistant Archaeologist. They claim that under the appropriate rules, Government has power to relax the age criterion.

It is contended that the Government has written a letter on June 24, 1994, to the Secretary, UPSC, to grant one time relaxation for the post of Assistant Archaeologist. ^{in Age limit upto 5 years}

It is further contended that despite the suggestion of the Government, the UPSC has not granted relaxation in the

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advertisement dated 9-15 September, 1995. The advertisement has been issued without mentioning the relaxation as regards the age limit. Hence the applicants pray that as they are admittedly over aged, the respondents should be directed to call them for the interview.

2. There is no substance in the application. The Government has power to make relaxation in age criterion only after consultation with the UPSC. Simply because the Government made suggestion by letter dated June 24, 1994, it cannot be said that the decision to make relaxation in the age criterion for the post, in question, has been taken and the UPSC has failed to implement the same. On the contrary, the presumption should be that all official acts are in accordance with the law and regulation. Therefore, the advertisement issued has to be taken as the basis for considering the case. In the advertisement, the age limit as on 28.9.1995 for the post of Assistant Archaeologist is 30 years. Admittedly, the applicants are over aged on the relevant date.

3. In view of the above position, we do not see any substance in the application. The contention that the action of the respondents is violative of Articles 14 and 16 of the Constitution has no merit. The criterion regarding age limit has been applied to all the eligible candidates uniformly. Hence, the application is rejected.

Rashay

(R. K. Ahooja)
Member(A)

JMC

(A. P. Ravani)
Chairman