

CAT/7/11:

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI**

O.A. No. 860/96 with
T.A. No. OA 2261/95

199

23
8-12-1997

DATE OF DECISION

Ravinder Kumar & Ors

Petitioner

Sh. V.K. Rao in OA 860/96)
Sh. B.T. Kaul in OA 2261/95.

Advocate for the Petitioner(s)

VERSUS

UDI SSC & Ors

Respondent

Sh. E.X. Joseph

Advocate for the Respondent(s)

CORAM

The Hon'ble Smt. Lakshmi Swaminathan, Member (J)

The Hon'ble Shri R.K. Ahooja, Member (A)

1. To be referred to the Reporter or not? *yes* X

2. Whether it needs to be circulated to other Benches of the Tribunal?
Jaksh Sreedhar

(Smt. Lakshmi Swaminathan)
Member (J)

Central Administrative Tribunal
Principal Bench

O.A. 860/96
with
O.A. 2261/95

24

New Delhi this the 8 th day of December, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member(J).
Hon'ble Shri R.K. Ahooja, Member(A).

O.A. 860/96

1. Shri Ravinder Kumar,
S/o late Shri Nathu Singh,
WZ-308, Naraina Village,
New Delhi.
2. Shri Arun Chopra,
S/o Shri B.R. Chopra,
H.No. 17, Sector-7,
Urban Estate, Gurgaon,
Haryana.
3. Miss. Savita Arora,
D/o Shri Bal Krishan Arora,
19/3, Pant Nagar,
Jangpura Extension,
New Delhi.
4. Shri Vivek Kumar Jain,
S/o Shri Suresh Chand Jain,
A-558, Sector 19,
Noida.
5. Shri Rajiv Bali,
S/o Shri P.R. Bali,
74-A, Pocket-A, Phase-II,
Ashok Vihar,
Delhi.
6. Shri Ashok Kumar Sharma,
S/o Shri P.C. Sharma,
E-180, MCD Flats,
Azadpur Colony,
Delhi.Applicants.

By Advocate Shri V.K. Rao.

Versus

1. Staff Selection Commission,
through the Secretary (SSC),
Block No. 12, CGO Complex,
Lodi Road, New Delhi.
2. Union of India through
The Secretary,
Ministry of Personnel, Public
Grievances and Pensions,
North Block, New Delhi.

13/

95

3. Union of India through
The Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi. ... Respondents.

By Advocate Shri E.X. Joseph, Sr. Counsel.

O.A. 2261/95

1. Shri Ravinder Kumar,
S/o late Shri Nathu Singh,
WZ-308, Naraina Village,
New Delhi.

2. Shri Vikas Goel,
S/o Shri J.P. Goel,
AG-1/49-C, Vikas Puri,
New Delhi.

3. Shri Arun Chopra,
S/o Shri B.R. Chopra,
H.No. 17, Sector-7,
Urban Estate,
Gurgaon,
Haryana.

4. Shri C.S. Bose,
S/o Shri S.N. Bose,
14A/17, W.E.A., Karol Bagh,
New Delhi.

5. Shri Subodh Kumar Jha,
S/o Shri Sri Ram Deo Jha,
B-213/11, Bhajanpura,
Delhi.

6. Miss S. Jayasree,
D/o Shri N. Srinivasa Raghavan,
C-3, SDA, Adya Jha Hostel,
Bhim Nagar, Hauz Khas,
New Delhi. ... Applicants.

None present.

Versus

1. Staff Selection Commission
through the Secretary (SSC),
Block No. 12, CGO Complex,
Lodi Road, New Delhi.

2. Union of India through
the Secretary,
Ministry of Personnel, Public
Grievances and Pensions,
North Block,
New Delhi.

PL

gb

3. Union of India,
through the Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi. ... Respondents.

By Advocate Shri E.X. Joseph, Sr. Counsel.

O R D E R

Hon'ble Smt. Lakshmi Swaminathan, Member (J).

The aforementioned two cases (O.As 860/96 and 2261/95) have been heard together as the facts and issues raised are similar and, therefore, are being disposed of by a common order.

2. The applicants who are LDCs of Central Secretariat Clerical Services (CSCS) who had applied for recruitment to the post of Inspectors of Central Excise Income-Tax 1995/96 Examination in response to Respondent 1 - Staff Selection Commission's (SSC) Notice, are aggrieved that they have not been given the age relaxation as prescribed under Note IV(e) of the Notice. According to them, they fulfil the criteria for selection but the SSC have rejected their application on the ground that they do not fulfil the nexus criteria and, therefore, they are not eligible for relaxation of age under the relevant rules.

3. We have carefully considered the pleadings and the submissions made by the learned counsel for the parties. The main contention of Shri V.K. Rao, learned counsel for the applicants in O.A. 860/96, is that the SSC cannot be delegated the powers of the Government nor have they been delegated the powers to decide the question of nexus as provided under Note IV(e) of the

3/

92

Notice for recruitment to the post of Inspector of Central Excise, etc. (Annexure-A-IV) which provides as follows:

"Upper age limit is relaxable upto the age of 40 years (45 years for Scheduled Caste/Scheduled Tribe candidates) to the departmental candidates who have rendered not less than 3 years continuous and regular service as on 29.6.1995 provided they are working in posts which are in the same line or allied cadres and where a relationship could be established that the service rendered in the department will be useful for the efficient discharge of duties of posts for which the recruitment is being made by this examination in terms of DP&AR's O.M. No. 4/4/79-Estt(D) dated 20.7.76 and DP&T's O.M. No. 35014/4/79-15034/3/87-Estt(D) dated 24.10.1985, O.M. No. 15034/3/87-Estt(D) dated 7.10.1987 and O.M. No. 15012/1/88-Estt.(D) dated 20.5.1988".

The sub-paragraph of Note IV(e) further provides that 'all Group 'C' non-technical employees with three years continuous and regular service (in any Central Government Office or Union Territory) as on 29.6.1995 fulfilling the nexus will be eligible to be considered as departmental employees for grant of age relaxation under this sub-para'.

82

4. The respondents have submitted the Govt. of India, Cabinet Secretariat's Resolution dated 4.11.1975 constituting the SSC. This resolution contains the constitution of the SSC, functions, duties and responsibilities of the Chairman and Members. Shri E.X. Joseph, learned counsel, has submitted that paragraph 4(3) of the resolution empowers the Chairman to 'scrutinise applications received in response to advertisements. He has submitted that the SSC has been constituted for purposes of making recruitment to non-technical Class-III posts in the Departments of Govt. of India and its subordinate offices and to conduct examinations etc. for recruitment to such posts. In carrying out its functions, the Chairman of the SSC has been made responsible for scrutinising applications received from candidates in response to advertisements. Having regard to the provisions of the resolution passed by the Govt. of India dated 4.11.1975 we are of the view that the SSC has been constituted for carrying out the functions of recruitment to the posts mentioned therein which includes selection to the posts under consideration.

5. The next question to be considered is whether the SSC has been delegated the powers to allow age relaxation or not as provided in Note IV (e) of their Notice calling for recruitment to the post of Inspectors of Central Excise, Income Tax, etc. It was further argued by Shri V.K. Rao, learned counsel that even if the power to decide the question of age relaxation has been granted to the SSC, the same has not been specified and is too vague. Note IV(e) of the Notice itself provides that in the case of departmental

candidates, the question whether they will get relaxation of age has to be considered depending on whether they are working in posts which are in the same line or allied cadres and where a relationship could be established that the service rendered in the department will be useful for the efficient discharge of duties for which the recruitment is being made by the examination to be conducted by the SSC in terms of the various Govt. of India/DP&AR's O.Ms. mentioned therein. Para 2 of the DP&AR O.M. dated 7.10.1987 on the subject of relaxation of upper age limit of the departmental candidates for appointment to Group 'C' and 'D' posts reads as follows:

"The Staff Selection Commission makes recruitment to all Group 'C' non-technical posts. With a view to reducing delays in processing of applications submitted by departmental candidates with reference to advertisements issued by SSC, it has been decided that it will be entirely within the discretion of the Staff Selection Commission to take a view whether the nexus principle is satisfied or not in individual cases. Wherever the duties of the posts concerned are not clear, the Commission may consult the organisations in which the posts in question are located".

6. From the above, it is, therefore, clear that the Government of India has not only constituted the SSC for purposes of conducting examinations, etc. for

2/2

recruitment to posts specified in the Resolution but the Commission has also been delegated the powers to scrutinise the applications submitted by the departmental candidates, like the applicants in the O.As before us. These applications are with reference to advertisements issued by the SSC and they have been given powers to scrutinise them in order to see whether the candidates are entitled for age relaxation, based on the nexus principles which are provided in the relevant Government Office Memoranda. In the circumstances, therefore, we find no merit in the contentions raised by the learned counsel for the applicants that the SSC has not been empowered to decide on the question of age relaxation of the candidates for the examinations they are to conduct or that the delegation is either unfettered or vague.

7. In this view of the matter, these applications fail. O.As 860/96 and 2261/95 are accordingly dismissed. No order as to costs.

Let a copy of this order be kept in O.A. 2261/95.

R. K. Anooja
(R.K. Anooja)
Member (A)

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'