

Central Administrative Tribunal, Principal Bench

O.A. No.72/97

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 16th day of January, 1997

Shri S.K.Mathur
aged 41
s/o Late Shri C.M.Mathur
r/o 9, N.T.H.Campus
Kamala Nehru Nagar
Ghaziabad, UP.
working as Scientific Officer
in N.T.H., Ghaziabad under
Department of Supply
Ministry of Commerce. Applicant

(By Shri R.R.RAI, Advocate)

Vs.

1. Union of India
through the Secretary
Department of Supply
Ministry of Commerce
New Delhi.
2. The Director General
National Test House
Department of Supply
Ministry of Commerce
Alipur
Calcutta - 27.
3. The Secretary
Union Public Service Commission
Dholpur House
Shahjahan Road
New Delhi. Respondents

O R D E R (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The applicant had applied for direct recruitment to the post of Scientist - SB(Electrical) in National Test House under the Department of Supply, Ministry of Commerce in pursuance to notification issued by the Union Public Service Commission in the Employment News dated 24th February - 1st March, 1996. The educational qualification prescribed was M.Sc.(Physics-Pure) and the upper age limit for direct recruitment is 35 years relaxable by five years in the case of Government servants. The applicant,

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admittedly, has crossed that upper age limit for direct recruitment even with the relaxation. His grievance is that he has not been called for interview which is scheduled to be held on 20.1.1997. The case of the applicant is that according to the Recruitment Rules of 1975, educational qualification prescribed was M.Sc.(Physics - Pure) but it was changed to M.Sc.(Physics - Applied) in the year 1986. Because of the change in the essential educational qualification, the applicant remains ineligible for recruitment to the post till the Recruitment Rules were amended in 1993. According to the amended Recruitment Rules, the essential qualification is M.Sc.(Physics - Pure) which the applicant possessed. But unfortunately, for the applicant by the time they started recruitment process, the applicant had crossed the upper age limit. The case of the applicant is that on account of the change in the policy of the Government, the applicant was deprived of the opportunity to appear for the recruitment process and therefore, he claims that he should be allowed to participate in the selection process despite the fact that he crossed the upper age limit.

2. We do not find even a *prima facie* case which needs further deliberation. The framing of Recruitment Rules fixing the required educational qualification, experience and prescribed age limit is the prerogative of the department concerned taking into account the requirement of service and public interest. These are also matters on which the Tribunal has no say. It is not the case of the applicant that with a ~~view~~ to an ulterior motive of keeping him out any authority in the Government went on changing

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the policies. We find no case in the application and therefore, we reject the same under Section 19(3) of the Administrative Tribunals, Act, 1985.

Rao

(R.K.AHOOJA)
MEMBER(A)

M
(A.V.HARIDASAN)
VICE-CHAIRMAN(J)

/rao/