

Central Administrative Tribunal
Principal Bench

OA-2553/94
OA-1479/96

New Delhi this the 10th day of February, 1997.

Hon'ble Mr. S.R. Adige, Member (A)
Hon'ble Dr. A. Vedavalli, Member (J)

OA-2553/94

1. Mrituanjay Mishra,
S/o late Sh. B.M. Mishra,
R/o D-1/85, Janak Puri,
New Delhi.
2. Pramod Kumar Sharma,
S/o Sh. K.L. Sharma,
R/o WZ-284, Palam Village,
New Delhi.
3. Jagdeep Khanna,
S/o Sh. D.N. Khanna,
R/o K-K-121, Old Kavi Nagar,
Ghaziabad-UP.
4. Ms. Mamta Gambhir,
W/o Sh. G. Singh,
R/o C-4-89, Safdarjung Dev. Area,
New Delhi.

...Applicants

(By Advocate Sh. C. Hari Shankar)

-Versus-

1. Union of India,
through: Secretary,
Dept. of Tourism,
Parivahan Bhawan,
Sansad Marg,
New Delhi.
2. Union of India through
Secretary, Deptt. of
Personnel & Training,
Ministry of Personnel, P.G. &
Pensions, North Block, New Delhi.
3. U.P.S.C. through
its Secretary,
Dholpur House, Shahjahan Road,
New Delhi.

...Respondents

(By Advocate Sh. N.S. Mehta)

OA-1479/96

1. Kalyan Sengupta,
S/o late Sh. Birendra Kumar Sengupta,
R/o 1/9, Prince Golan Road,
Calcutta.
2. Rajesh Talwar,
S/o Sh. C.L. Talwar,
R/o 117, Priya Enclave,
Delhi.

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3. Anil Oraw,
S/o Sh. Banu Oraw,
R/o C/o Mr. M.N. Tapna,
Village South Samrang, 1/4
P.O. Jhorehat, P.S. Sakrail,
Distt. Howra-7110302.

...Applicants

(By Advocate Sh. M.K. Gupta)

-Versus-

U.P.S.C. through
its Secretary,
Dholpur House,
Shahjahan Road,
New Delhi-110011.

...Respondents

(By Advocate Sh. N.S. Mehta)

ORDER (Oral)
(Hon'ble Mr. S.R. Adige)

As these two OAs involve common question of law and facts, they are being disposed of by this common order.

2. In OA-2553/94 applicants have prayed for quashing of the interview proceedings for the four posts of Assistant Directors/Managers/Tourist Promotion Officers advertised by the U.P.S.C. vide advertisement No.22 (Annexure A/4); to quash the appointments made in pursuance of the above mentioned interviews; and to direct that fresh interviews be conducted in which all the eligible applicants, including the four applicants herein, be allowed to participate.

3. In OA-1479/96 applicants have prayed that the results of the said interviews be declared.

4. Shortly stated, U.P.S.C. by advertisement No.22 called for applications for the four posts of Asstt. Directors/Managers/Tourist Promotion Officers by 2.12.93. From the advertisement it is clear that

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an age limit of 30 years was prescribed as on 2.12.93, relaxable for Government servants upto five years.

5. Applicants in OA-2553/94 Mrituanjay Mishra, Pramod Kumar Sharma, Jagdeep Khanna and Mamta Gambhir as well as three applicants in OA-1479/96 Kalyan Sengupta, Rajesh Talwar and Anil Oraw were interviewed. In respect of applicants S/Sh. Pramod Kumar Sharma and Jagdeep Khann in OA-2553/94 respondents have stated that they were over-aged being beyond 30 years of age as on 2.12.93. Admittedly, applicant Sh. Pramod Kumar Sharma was working in the Delhi Tourism Development Corporation on the relevant date while applicant Sh. Jagdeep Khanna was working in the U.P. State Tourism Development Corporation at the relevant time. During earlier hearing it was contended by applicants' counsel that both these organisations came within the definition of Government and, therefore, those two applicants were entitled to be given age relaxation by five years, but no materials have been furnished by those two applicants to establish this particular contention and in the absence of any rejoinder by them, to controvert respondents' assertion that those two applicants were over-aged, we have no reason to doubt that applicants Pramod Kumar Sharma and Jagdeep Khanna were over-aged on 2.12.93. In so far as applicants Ms. Mamta Gambhir is concerned, respondents have stated in their reply that she did not have the required essential qualification of three years' experience of Public Relation or Publicity or Administration Work or diploma in Public Administration or Training in Public Relation with two years experience as above, and this assertion has also



not been successfully controverted by the applicants.

6. Under the circumstances, the prayer made by the applicants in OA-2553/94 for quashing of interview proceedings held earlier and to direct that a fresh interview be conducted fails.

7. Both OAs are disposed of with a direction to the respondents to declare the results of the interviews conducted by them and thereafter proceed in the matter strictly in accordance with law and the relevant rules and instructions on the subject.

No costs.

(Dr. A. Vedavalli)
Member (J)

(S.R. Adige)
Member (A)

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