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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 814/94

New Delhi this day the 20th of July 1994

Hon'ble Shri J.P. Sharma, Member (J)

Hon'ble Shri B.K. Singh, Member (A)

Shri Kuljit Singh Bhatia,  
Liquidation Assistant,  
Office of the Official Liquidator,  
16 Bharat Scouts and Guide Building,  
I.P. Estate,  
New Delhi.

... Applicant

(By Advocate : Shri R.S. Aggarwal)

Vs.

1. Union of India through

The Secretary, Ministry of  
Industry and Co. Affairs,  
5th Floor, A-Wing,  
Shastri Bhawan,  
New Delhi.

2. The Regional Director,  
Northern Region,  
Company Law Board,  
10/499-B, Allan Ganj,  
Khalsi Lines, Kanpur,  
Uttar Pradesh.

3. Official Liquidator,  
Attached to the High Court of India,  
A2W2 Curzon Road Barracks,  
Kasturba Gandhi Marg,  
New Delhi.

... Respondents

(By Advocate : None)

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Hon'ble Shri J.P. Sharma, Member (J)

The applicant was appointed as Liquidation Assistant by the Office of Official Liquidator. The Ministry of Law, Justice and Company Affairs issued OM dated 27.11.1978 (Annexure III) with respect to the absorption of the Company Paid Staff in regular Government Service. It is laid down inter alia that such Company Paid Staff of the Office of the Official Liquidator shall be eligible

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for regular absorption who were in position on 31.3.1978 and who possess the requisite educational qualifications laid down in the recruitment rules for the post against which they are to be absorbed. The Regional Directors in their capacity as Heads of the Department may consider the relaxation of age limit in deserving cases in accordance with the general instructions existing in this regard. Such staff will be screened by the Selection Committee. The Selection Committee will make its recommendations on the basis of qualifications, experience etc. and personal interview of the candidate. The Ministry of Law, Justice and Company Affairs issued another OM dated 24.2.1983 whereby certain more conditions have been laid down that no staff representation of Staff Selection Commission need be associated with the selection of the Selection Committee and in his place officers of suitable length from outside the department may be included including one belonging to one SC/ST category.


2. The applicant in response to the scheme applied for absorption but he could not succeed. He again tried his luck but by this time he became overage. The Regional Director (NR), Kanpur informed the Official Liquidator by the letter dated 23.12.1992 that Kuljit Singh Bhatia has completed more than 45 years of his age and his date of Birth is 15.5.1948. As per the rules/instructions the relaxation of age can be considered/granted upto 40 years to the candidates of general category. In view of this the case of the applicant may not be considered further for absorption in the Central Government Service. The applicant has challenged this order taking a stand that if Respondent No. 2 was not competent to give


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relaxation in age, his case should be forwarded to Respondents No. 1 to obtain approval for age relaxation. The applicant has also made certain representations but he has not been furnished with any reply.

3. The applicant has prayed in this application for a direction to the respondents to absorb the applicant in Central Government Service after quashing the impugned order of 23.12.1992.

4. We heard the learned counsel for the applicant Shri R.S. Aggarwal at length. The learned counsel couldn't show any rule by which the relaxation of age can be granted beyond 40 years. The learned counsel only cited the instance of one Shri M.L. Sharma but that has been done in 1974 while the scheme Annexure A-III was issued on 27.11.1978 which only authorises Head of the Departments for relaxation of age in suitable cases. The applicant did not qualify <sup>in</sup> his first attempt and when he qualified in the second attempt, he became overage. The Tribunal cannot interfere in such matter, where a judicial discretion has been given to administration for relaxation of age in suitable cases. The Respondents No. 2 as Regional Director did not consider the applicant suitable for relaxation of age. In such a case, therefore, the interference of the Tribunal is not justified and the action is not arbitrary or malafide. The application, therefore, is dismissed for not making out <sup>a</sup> prima facie case for admission under Section 19(3) of the Administrative Tribunal Act, 1985.

  
(B.K. Singh)  
Member (A)

  
(J.P. Sharma)  
Member (J)