

Central Administrative Tribunal
Principal Bench, New Delhi
(Through video conferencing)
OA No.975/2020
&

MA No.100/1250/2020 in O.A No.975/2020

Dated: this the 7th day of August, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

Hon'ble Mr. Mohd. Jamshed, Member(A)

Syed Ahmar Ali Hashmi, S/o late Sh. Syed Mahmood
Ali Hashmi, aged 32 yrs, R/o C1/304 Ra Enclave Apartments,
Geeta Colony, Delhi-110 031.

...Applicant

(By Advocate: Mr. Setu Niket, Counsel for Applicant)

Versus

Union Public Service Commission, through
Secretary, Dholpur House, Shahjahan Road
New Delhi-110069.

...Respondent

(By Advocate: Mr. R.V. Sinha, Counsel for Respondent)

: ORDER (ORAL) :

By Mr. Justice L. Narasimha Reddy, Chairman

MA. No.100/1250/2020 in O.A.975/2020

The applicant filed the MA.No.1250/2020 with a prayer to implead National Capital Territory (NCT) of Delhi.

2. Mr. Rajeev Kumar, learned counsel takes notice for the impleaded respondents.

3. We order the MA.

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4. The applicant is working as Junior Forensic/Assistant Chemical Examiner (Documents) in the Forensic Science Laboratory, Rohini, Delhi, on contractual basis. The UPSC issued an Advertisement No.07/2020 proposing to select candidates for appointment to various posts including Senior Scientific Officer (Documents) (Serial No.8) on regular basis. The applicant states

that he crossed the age limit stipulated in the notification. According to him, the Govt. of NCT of Delhi issued OM dated 11.06.2019, wherein a policy decision was taken for relaxation of age limits for direct recruitment for all the posts as a one time measure upto 5 years in favour of candidates working on contract basis and that the impugned notification does not provide for such relaxation. He contends that the benefit under OM dated 11.06.2019 was extended by the Delhi Subordinate Services Selection Board (DSSSB), whereas the UPSC, respondent no.1 herein, is not extending such benefit.

5. The OA was listed earlier and it was adjourned to today to enable the learned counsel for the Respondents to obtain instructions and the learned counsel for the Applicant to implead the Delhi Government. An application is filed for impleading the Delhi Government, and we ordered the same.

6. We heard Mr. Setu Niket, learned counsel for the Applicant and Mr. R.V. Sinha, learned counsel for the UPSC.

7. It is not in dispute that the applicant has crossed the age limit which is stipulated for the post in the impugned notification. He claims that under the OM dated 11.06.2019, the Government had taken a decision to extend the age limit by 5 years for the persons working on contractual basis and that he is also entitled for the same.

8. It is true that the Government of NCT of Delhi has taken a policy decision, vide memo dated 11.06.2019, providing for relaxation of maximum age limit for 5 years in favour of persons working on contractual basis against those very posts. Things would have been different had it been a case where the posts are not governed by the Recruitment Rules. Admittedly, the Recruitment Rules are framed for the posts in question. There also exists a provision for relaxation under the recruitment rules in favour of the employees of Central Government and Union Territories. No relaxation is provided under the Recruitment rules in favour of persons working on contractual basis.

9. The UPSC would simply go by the Recruitment Rules and hardly does it recognise the administrative or executive orders. Once the post is governed by the Recruitment rules, it is only the conditions contained therein, that are stipulated, and not others. The mere fact that the DSSSB had extended the benefit under OM dated 11.06.2019, does not become a ground for us to compel the UPSC to do the same thing as long as the rules are not amended.

10. We do not find any merit in the OA. The OA is accordingly dismissed. No order as to costs.

Order Dasti.

(Mohd. Jamshed)
Member(A)

(Justice L.Narasimha Reddy)
Chairman

Akshaya/pinky/dsn