

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

Dated the Tuesday, 21st day of July Two Thousand And Twenty

PRESENT:

THE HON'BLE SHRI S.N. TERDAL, MEMBER(J)

THE HON'BLE SHRI C.V. SANKAR, MEMBER(A)

O.A.310/351/2020

R. Santhalakshmi,
W/o. V. Ramachandran,
Aged about 53 years,
No.45, Perumal Koil Street,
Vaduvakuppam,
Nettapakkam Post,
Puducherry-605 106

.....Applicant

(By Advocate: Mr. M. Gnanasekar)

Vs.

1. Union of India Rep. by
The Chief Secretary to Government,
Chief Secretariat,
Puducherry-605 001.

2. The Director,
Directorate of Social Welfare,
Saradambal Nagar,
Ellaipillai Chavadi,
Puducherry-605 005

...Respondents.

(By Advocate: Mr. R. Syed Mustafa)

ORDER

(Pronounced by Hon'ble Mr. S.N. Terdal, Member(J))

Applicant has filed this OA seeking the following reliefs:-

“i) Direct the 1st respondent to grant age relaxation to the applicant to the extent necessary and consider the applicant's application submitted on 04.06.2020 for recruitment to the post of Social Welfare Officer in the 2nd respondent and to consider the applicant for appointment as Social Welfare Officer with all consequential benefits;

ii) Pass such further orders as are necessary to meet the ends of justice.

iii) Award exemplary costs and thus render justice.”

2. Heard Mr. M. Gnanasekar, Learned counsel for the applicant and Mr. R. Syed Mustafa, Learned counsel appearing for the respondents on advance notice.

3. Perused the OA and all the documents.

4. Relevant facts of the case are that the applicant had studied B.A. Literature in English and also passed degree of Master of Library and Information Science and she had registered with Employment Exchange. She is aggrieved by not considering her

application for the post of Welfare Officer. Admittedly, the applicant does not possess the essential qualification for the said post and a representation submitted on 5.6.2020 by the applicant has not been considered.

5. The facts stated and grounds raised in support of the relief sought for by the applicant are extracted below:-

4. Facts of the case:-

(i) The applicant submits that she had studied B.A. Literature in English from the Madras University in September 1990. She had also passed degree of Master of Library and Information Science in May 2002 from the Annamalai University. She had registered her name in the Employment Exchange, Puducherry on 13.3.2002. The applicant is hailing from a remote village at Vaduvakuppam near Madukarai, Puducherry.

ii) The applicant submits that the applicant's husband is working in PAPSCO and the Government of Puducherry is not at all paying salary to the employees of PAPSCO for the last 5 years. Earlier the Director of Arts and Culture, Puducherry initiated recruitment for filling up the post of Library and Information Assistant. The applicant had already approached this Hon'ble Tribunal by filing O.A. No. 334 of 2016 seeking the following reliefs:

"i) to direct the respondents to relax the age limit for the post of Library and Information Assistant as a onetime measure and considering the applicants to the said post."

iii) The applicant submits that this Hon'ble Tribunal by an order dated 23.02.2016 passed the following order:-

"The respondents concerned are directed to receive the application of the applicant straight away and to permit the applicant to participate in the examinations and his answer sheets shall be evaluated as per the rules, however, the result shall be kept in a sealed cover until further orders."

However, the recruitment to the post of Library and Information Assistant was not conducted from 2016 onwards. The applicant has not received any other call from the Employment Exchange and she had not availed any opportunity of employment.

iv) The applicant submits that while so, the 2nd respondents by notification No. 3239/DSW/Estt./A1/2020 dated 07.02.2020 called for applications from the eligible Indian citizens who are natives/Residence of Union Territory of Puducherry for engagement of Welfare Officer under cadre control of the Directorate of Social Welfare, Puducherry as detailed below:-

I. Qualification for Eligibility:

Essential Qualification

Bachelor Degree in Sociology or Social Work or Psychology or Home Science with Nutrition and Child Development as Special Subjects or its equivalent from a recognized University

II. Age limit:

Between 18 and 30 years as on 31.03.2020 which is the last date for receipt of applications. Age limit is relaxable for the following categories:

| Category | Relaxation of Upper age limit |
|--------------------------------|--|
| OBC (Including MBC/EBC/BCM/BT) | 3 years |
| SC/ST | 5 years |
| PWD | 5 years (10 years for SC candidate and 8 years for OBC candidate (including all sub caste) |
| MSP | Upto 5 years (10 years for SC candidate) |
| Ex-Service Man (XSM/XSW) | Period of Military service plus 3 years |

The method of selection is as follows:-

The Selection Procedure for Welfare Officer shall be based on the merit list prepared on the basis of marks obtained in the Qualifying

exam i.e. Bachelor Degree in the concerned subject with the following norms.

- i) The Bachelor Degree course should have been completed in three years (or) within the prescribed duration of course.
 - ii) 1% of marks will be deducted for every additional attempt, whether the Semester system or Non-Semester system of exams in three years of course or within the prescribed duration of course.
 - iii) 5% of marks will be deducted after three years of the qualifying degree course (i.e. fourth year) or next year of prescribed timeline of degree course.
 - iv) 10% of marks will be deducted after three years of the qualifying degree course (i.e. fifth year) or next year of prescribed timeline of degree course.
- v) The applicant submits that the last date of receipt of the application was 31.03.2020, the applicant applied on 04.06.2020.
- vi) The applicant submits that the applicant submitted a representation on 05.06.2020 to the Hon'ble Lt. Governor of Puducherry explaining her condition and non-employment and request for age relaxation on sympathy consideration and permit the applicant to participate for the post of Social Welfare Officer in the Social Welfare Department, Puducherry.

5. Grounds for Relief with Legal Provisions:-

The applicant submits that presently the applicant is aged about 53 years and not received any call letter for employment from the Employment Exchange, Puducherry, however, unable to apply only because of the age limit prescribed by the 2nd respondent. Even though this Hon'ble Tribunal directed the applicant's claim to be considered for the post of Library and Information Assistant the recruitment was not made so far.

- b. The applicant submits that the applicant already submitted a representation on 05.06.2020 requesting for age relaxation and the same is pending before the Hon'ble Lt. Governor of Puducherry. Unless the age relaxation is permitted the applicant will not be considered for selection.

Right to be considered for public employment is a fundamental rights under Article 16 of the Constitution of India.

c. The applicant submits that unless the original application is entertained and the respondent directed to consider the applicant by granting relaxation. The applicant will not be able to participate the selection to the post of Social Welfare Officer.

6. As the applicant admittedly did not possess the essential educational qualification which is required for the said post of Welfare Officer, we are of the view that the O.A. is devoid of merits and hence dismissed. No costs.

(C.V. SANKAR)
MEMBER(A)

(S.N. TERDAL)
MEMBER(J)

21.07.2020

Asvs