

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

**ORIGINAL APPLICATION NO. 291/282/2020**

Order reserved on 15.12.2020

**DATE OF ORDER:** 17.12.2020

**CORAM**

**HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER**  
**HON'BLE MRS. HINA P. SHAH, JUDICIAL MEMBER**

Dr. Kishor Kumar Meena Son of Shri Hira Lal Meena, aged about 37 years, resident of VPO Gorir, Tehsil Khetri, Distt. Jhunjhunu, Rajasthan, India – Applicant applied on the post of Assistant Professor College of Arts Dept. Training Tech. Education Govt. of NCT Delhi, Group A - Mob. No. 7665430206.

....Applicant

Shri Pradeep Singh, counsel for applicant (through Video Conferencing).

**VERSUS**

1. Union Public Service Commission through its Chairman, New Delhi – 110069.
2. Consultant / Dy. Secretary (R-III), Union Public Service Commission, New Delhi – 110069.
3. Directorate of Training & Technical Education Munimaya Ram Marg, Preetampura, New Delhi - 110034.

....Respondents

Shri D.C. Sharma, counsel for respondent Nos. 1 & 2 (through Video Conferencing).

None present for respondent No. 3.

**ORDER**

**Per: DINESH SHARMA, ADMINISTRATIVE MEMBER**

In this case, the applicant has prayed for quashing the action of the respondents (Annexure A/1) by which his candidature for the post of Assistant Professor in pursuance of advertisement No. 11/2018 has been rejected on ground of his being overage. He also prayed, by way of interim relief, for allowing him to appear and participate in the interview for this post. The applicant has claimed that he deserves to be given benefit of age relaxation upto 5 years being a Central / U.T. Government employee. Though the applicant has raised other issues about the qualifications prescribed in the advertisement not being in line with the Government policies, and about incorrect determination of reserve category vacancies, his challenge is mainly against not short-listing him for interview on ground of being over age, as conveyed through Annexure A/1.

2. The respondent Nos. 1 & 2 filed a reply stating that the applicant does not fulfil the requirements for age relaxation available to Central / U.T. employees. To be eligible for getting the age relaxation, he should

have at least 3 years of continuous service under Central Government. They have annexed an Office Memorandum dated 20.8.2018 (Annexure R1), which makes it very clear that the relaxation in upper age limit is admissible to only such employees who have had three years of continuous service with the Central Government.

3. The matter was heard through Video Conferencing on 15.12.2020.

4. The learned counsel for the applicant argued that the applicant was a Drawing Teacher under the Govt. of NCT of Delhi since 19.5.2018, and as such deserved the age relaxation upto five years. The advertisement (Annexure A/3) nowhere mentioned the requirement of 3 years' experience as Government servant. Hence he should be allowed to appear for the interview. He also argued that if he was not allowed to appear in the interview by way of an interim relief, the O.A. should be finally disposed of on merits, as he does not have any further arguments (rejoinder) to make.

5. The learned counsel for the respondent Nos. 1 & 2 / UPSC argued that the applicant was above the maximum age required for applying for the advertised job. Since he did not fulfil the condition required for getting the age relaxation, he was informed, by Annexure A/1, why he was not short-listed for interview. The Original Application has no merit and hence deserves to be dismissed.

6. After going through the pleadings and hearing the arguments, it is clear that the applicant's case solely rests on his claim for getting the benefit of relaxation in age on account of his being in Central/U.T. Govt. service and there being no mention of the requirement of such 3 years' service, in the advertisement.

7. We have gone through the advertisement (Annexure A/3) and find the rule regarding age relaxation at Para 5(c) (page 40 of the paper book) of the Section headed "Instructions and Additional Information to Candidates for Recruitment by Selection. We are reproducing that paragraph in full hereunder:

**“(c) Age relaxation for Central Government employees:**

The upper age limit is relaxable for Central / U.T. Govt. Servants up to 5 years as per instructions issued by the Govt. of India from time to time. (10 years for persons belonging to Scheduled Castes/Scheduled Tribes and 8 years for persons belonging to other Backward Classes in respect of the posts reserved for them) in accordance with the instructions or orders issued by the Government of India. A candidate claiming to belong to the category of Central Government servant and thus seeking age relaxation under this para would be required to produce a Certificate in the prescribed proforma **issued after the date of advertisement** from his/her Employer on the Office letter head to the effect that he/she is a regularly appointed Central Government Servant and not on casual/ adhoc/ daily wages/hourly paid/contract basis employee.

The age relaxation will be admissible to such of the Government servants as are working in posts which are in the same line or allied cadres and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of the post(s) recruitment to which has been advertised. Decision in this regard will rest with the Commission.”

It is clear from this that the age relaxation is permissible only “as per instructions issued by the Government of India from time to time” and it is not a blanket right given to every Central Government Employee to claim this relaxation by virtue of being such an employee. The last paragraph of the section quoted above makes it abundantly clear that there could be even more conditions put on such eligibility

for age relaxation, for which the decision will rest with the Commission. In the present case, the respondent UPSC has produced clear Government Instructions (Annexure R1), which make employees with less than 3 years' experience ineligible to get age relaxation.

8. Under these circumstances, we do not see any merit in the applicant's case to grant him age relaxation, since he has, admittedly, not put 3 years of service under Central/U.T. Government to make him eligible for age relaxation. The Original Application, thus, has no merit and is, therefore, dismissed. No costs.

**(HINA P. SHAH)**  
**JUDICIAL MEMBER**

**(DINESH SHARMA)**  
**ADMINISTRATIVE MEMBER**

Kumawat