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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.547/2004

this the 21st day of April, 2004

Hon'ble Shri Kuldip Singh, Member (J)
Hon'ble Shri S. A. Singh, Member (A)

Niraj Kumar Sinha, Group 'B',
Assistant Archaeologist, Non-Gazetted,
Archaeological Survey of India Non-ministerial
Excavation Branch-III, 7th Floor, Block No.704,
Lok Naik Bhawan, Frazor Road, Dak Bungalow Esquire,
Patna, Bihar. ...Applicant.
(By Advocate:Shri Rakesh Kumar Singh)

Vs.

1. Archaeological Survey of India,
Through its-Director General,
Ministry of Tourism and Culture,
(Department of Culture),
Janpath, New Delhi.
2. Union Public Service Commission,
Through its-Secretary,
Jam Nagar House,
Shahjahan Road, New Delhi-3.

... Respondents.

(By Advocate - **None**)

O R D E R (ORAL)

By Shri Kuldip Singh, Member (J)

Heard learned counsel for the applicant.

2. Applicant has filed this OA seeking relief for declaring that Rule 3 of the Central Civil Services and Civil Posts (Upper Age-limit for Direct Recruitment) Rules, 1998 as contained in the Notification dated 21.12.1998, is deemed to be applicable to the post of Deputy Superintending Archaeologist in the Archaeological Survey of India (ASI), Government of India, Ministry of Human Resource Development (Department of Culture) (now under the Ministry of Tourism and Culture) w.e.f.1.4.1999.

2. It is alleged that the upper age limit of 35 years in the Recruitment Rules through direct recruitment

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as Deputy Superintending Archaeologist in the ASI be read as 37 years in place of 35 years.

3. It is further alleged that Advertisement No.3 was issued by the UPSC in the Employment News for 14-20 February, 2004 containing the upper age limit for the post of Deputy Superintending Archaeologist not exceeding 35 years being contrary to the provisions of Rule 3 of the Central Civil Services and Civil Posts (Upper Age-limit for Direct Recruitment) Rules, 1998 as notified on 21.12.1998.

4. It is also alleged that a direction be issued to respondent No.1 to do the needful as required in view of the notification dated 21.12.1998.

5. The facts in brief as stated are that the applicant is working as Assistant Superintending Archaeologist in the ASI under the Government of India and he is concerned with the next post of Deputy Superintending Archaeologist.

6. Recruitment to the aforesaid post of Deputy Superintending Archaeologist as well as other posts advertised by the UPSC through direct recruitment, copy which is placed at annexure A-3. In this advertisement, upper age limit has been fixed as not exceeding 35 years showed under Column No.4(f) at page 20 of the Paper Book.

7. The main grievance of the applicant is that the upper age limit of 35 years was mentioned as it is prescribed in the Recruitment Rules, which were prevailing prior to the amendment in the Rules made in 1998. So the Department had fixed the upper age-limit as per previous Rules, which has been superseded in terms of the Notification dated 21.12.1998. According to this

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Notification dated 21.12.1998, these rules have been made applicable to the Central Civil Services and Civil Posts (upper age-limit for direct recruitment) Rules, 1998. According to this Notification, the upper age-limit extended as per Rule 3 has been increased by two years.

8. Learned counsel for the applicant has invited our attention to another advertisement made for the post of Assistant Archaeologist wherein this fact of increase in the age-limit has been taken note of and the upper age-limit has been prescribed as 32 years instead of 30 years which was earlier age-limit. Learned counsel states that in the advertisement for the post of Deputy Superintending Archaeologist either this amendment has been ignored or the upper age-limit has inadvertently been mentioned as 35 years.

9. Notice of the OA was issued but no one appeared for the respondents.

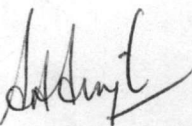
10. After going through the records and submissions of the learned counsel for the applicant, we find that the upper age-limit has been increased by two years as per Rule 3 of the Central Civil Services and Civil Posts (Upper age-limit for direct recruitment) Rules, 1998 as contained in the Notification dated 21.12.1998 which also applies to the post of Deputy Superintending Archaeologist. Moreover based on the same amendment the department has also increased the upper age limit for the post of Assistant Superintending Archaeologist. There is no reason as to why the upper age limit for the post of Deputy Superintending Archaeologist be not increased by two years.

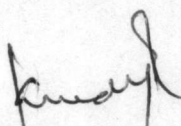
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11. Hence we allow the OA and declare that necessary amendment of upper age-limit should be increased by two years for the post of Deputy Superintending Archaeologist. The applicant may also be given age relaxation as per rules and instructions on the subject based on the amendment on 21.12.1998. The applicant has already submitted an application to the UPSC be treated as per these orders. The OA stands disposed of.


(S.A. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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