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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. NO. 631/2004

New Delhi, this the 31st day of May, 2004.

HON'BLE SHRI JUSTICE V.S. AGGARWAL, CHAIRMAN
HON'BLE SHRI S.A.SINGH, MEMBER (A)

Smt. Murti Devi
w/o Late Sh. Attar Singh
r/o House No. 383
Vill. & P.O. Kanjhawla
Delhi - 110 081. Plaintiff/Applicant

(By Advocate: Sh. G.D.Bhandari)

Versus

1. Union of India, through
Chief Secretary
Delhi Administration,
Govt. of NCT of Delhi
Old Secretariat
Delhi.
2. Govt. of N.C.T. of Delhi
through Chairman
Delhi Subordinate Services Selection Board
IIIrd Floor, U.T.G.S. Building
Institutional Area, Behind Karkardooma
Court Complex
Vishwas Nagar, Shahdra,
Delhi - 110 032. Defendants/Respondents

(By Advocate: Sh. Vijay Pandita)

O R D E R

Justice V.S. Aggarwal:-

Applicant (Smt. Murti Devi) was born on 7.5.1955. She passed Higher Secondary Examination from Delhi. She joined as Anganwadi Worker on 23.8.1984. On 7.8.1998, the respondents advertised for filling up of 11 posts of Supervisors from Women Matriculates with one year's experience in Social Field and ten years as an Anganwadi Worker. The upper age limit of 25 years was relaxable upto 45 years for those who have put in 15 years of service. The applicant also applied but was not called for the interview.

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2. Applicant pleads that she has wrongly been ignored and the action of the respondents is illegal.

3. At this stage, it is relevant to mention that earlier the applicant had filed a Civil Suit and later on when it was revealed that the Civil Court has no jurisdiction, the matter had been entertained by this Tribunal.

4. In the reply filed, the application has been contested. The respondents insisted that the applicant did not fulfil the eligibility conditions with respect to the age as per the recruitment rules.

5. We have heard the parties' counsel and seen the relevant records. The short and the only question that came up for consideration was as to whether the applicant was eligible to be considered when the post was advertised.

6. The recruitment rules for the post of the Supervisor (Women) in the Directorate of Social Welfare have been notified.

7. So far as the age limit is concerned, it was mentioned in the Notification dated 28.1.1987, which reads:

"Age limit for direct rectts.:

25 years (relaxable to the extent of the period served as Bal Sevika and/or Anganwadi Worker, subject to a maximum relaxation of 15 years and upto the age of 45 years.)."

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8. According to the learned counsel for the applicant, the applicant was below 45 years of age. She had put in 14 years and 7 months of service as Anganwadi Worker on the cut off date of 24.8.1998 and, therefore, she was eligible.

9. We find that the said contention of the learned counsel for the applicant cannot be ignored.

10. It must be admitted that there is some ambiguity in the recruitment rules. If 25 years was the maximum age limit and it could be relaxable for the persons having 15 years as Anganwadi Worker, by simple mathematics it could not be 45 years of age as the outer limit. However, it cannot be that this Tribunal would read it otherwise because it was advertised that it can be relaxed upto the age of 45 years.

11. The applicant was below 45 years of age. In fact, the learned counsel for the respondents made available to us the letter of 12.5.2004 which explains the position further. The said letter reads:

"I am directed to refer DSSSB letter No.F.1(39)/LC/ DSSSB/12003/Vol.V/ 3138 dated 05/05/2004 on the subject cited above. I am to enclose herewith a copy of the notified Recruitment Rules for the post of Supervisor (Women) and also to clarify that since the RR's provides the age limit for direct recruitment as 25 years with maximum relaxation of 15 years and upto the age of 45 years to the candidates served as Bal Sevika and/or Anganwadi Worker, the upper age limit for them shall be 45 years as they are treated as departmental candidate.

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As far as general age relaxation to SC/ST & OBC is concerned, it is informed that the same is applicable as per instructions/guidelines of Govt. of India. This has already been mentioned in the Requisition sent to DSSSB vide this Department's letter No.F.11(3)/97-DSW/Estt/Vol.III/23599 dated 25.09.2003 (Copy enclosed). Kindly see the Column 7(b). However, no special age relaxation is available to SC/ST/OBC/PH/Ex. Servicemen/female etc.

12. It only endorses what we have recorded above that if a person was below 45 years of age and had served as Anganwadi Worker, he/she would be eligible. Therefore, we have no hesitation in concluding that the claim of the applicant had wrongly been ignored.

13. For these reasons, we allow the present application and direct that claim of the applicant should be reconsidered in accordance with the rules and if she is found suitable, further necessary action in this regard may be taken.


(S.A. Singh)
Member (A)


(V.S. Aggarwal)
Chairman

/NSN/