IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI.

OA 1298/92 Date of Decision: 15.5.92

Shri Amar Deep Sinha ... Applicant

Vs.

Union of India and Others ... Respondents

Shri P. Nath ....Counsel for the applicant

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The Hon'ble Mr. T.S. OBEROI, MEMBER(J)
The Hon'ble Mr. B.N. DHOUNDIYAL, MEMBER(A)

JUDGEMENT(Oral)
(of the Bench delivered by Hon.Mr.T.S.Oberoi)

In this OA filed under Section 19 of the Administrative Tribunal Act, 1985, the applicant seeks directions for the Union Public Service Commission (in short UPSC), New Delhi, for not rejecting the applicant's application for the ensuing Civil Services Examination 1992, on the ground of the applicant being over-aged by about five months, or so, his date of birth being 19.03.1959, as against the prescribed age limit, for the eligible candidates not born before 02.08.1959. The applicant however, has so far, availed of four chances, and these are, within the number of chances now allowed to the candidates for the said examination and thus if the relaxation of age is not granted, as prayed for, the concession regarding the number of chances, now increased, shall not be available to the applicant as a result of which, he would not be able to avail of the concession regarding number of chances.

2. We have considered the contents of the OA and the oral submissions made by the learned counsel for the applicant as briefly mentioned above. The learned counsel for the applicant, by referring to the interim order passed by the Lucknow Bench of the Tribunal(copy enclosed as Annexure-4) pleaded, that the said interim order directed the respondents in that case, not to reject the applicant's application forms for the said examination on the point of upper age limit.

3. The learned counsel further stated at the Bar, that the said interim order given by that Bench is still in force, and therefore, it would become anomalous, if the application, in respect of the applicant herein, is not ordered to be admitted for the said examination.

4. We have carefully considered the submissions of the learned counsel for the applicant, as briefly discussed above. It has come to our notice, that in a similar matter, Hyderabad Bench of the Central Administrative Tribunal in OA 64/92, decided on 4.2.92, finally rejected the OA, turning down the prayer therein, for a similar relief, after fully discussing the pros and cons. In another case, decided by the Principal Bench, in which one of us (T.S. Oberoi) is a party, had also in judgement dated 13.5.92, declined the reliefs prayed for in OA 1243/92 (Shri

S.K. Singh Vs. U.O.I. etc.) Thus, the order of the Lucknow Bench was merely an interim order though extended further, as against two other judgements, after fairly considering the prepositions involved, are available, for looking into, and deciding the matter, in hand. We are inclined to follow the decision in the earlier case decided by the Principal Bench, referred to above, and also the one decided by the Hyderabad Bench, primarily on the ground that such like matters are mainly within the domain of the Government to decide. We are, therefore, not inclined to admit the OA and reject the same at this stage itself.

5. There is no order as to cost.

A copy of the order be given dasti to the learned counsel for the applicant.

(B.N. DHOUNDIYAL)
MEMBER(A)
15.05.1992

(T.S. OBEROI)
MEMBER(J)
15.05.1992

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