

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

* * *

Allahabad : Dated this 8th day of August, 2001.

Original Application No. 865 of 2001.

CORAM:-

Hon'ble Mr. SKI Naqvi, J.M.

Chhedi Lal s/o Shri Heera Lal

Resident of House No.130, Mohalla

Mahaviranjpura, Nagra,

Jhansi.

(Sri RK Nigam, Advocate)

..... Applicant

Versus

1. Union of India through General Manager,
Central Railway, Mumbai CST.

2. Deputy Chief Controller of Stores,
Central Railway, Jhansi.

(SK.P. Singh, Advocate)

..... Respondents

O R D E R (O_r_a_l)

By Hon'ble Mr. SKI Naqvi, J.M.

As per Tribunal's direction in earlier OA No.214/97 decided on 21-12-2000, the applicant was subjected to screening but rejected vide order dated 13-3-2001, a copy of which has been annexed as Annexure-A-1 to the OA. Being aggrieved of this order, the applicant has launched this OA seeking relief to the effect that the order dated 13-3-2001 be quashed and respondents be directed to absorb the applicant in Class IV Group 'B' service with consequential benefits. This impugned order has been assailed mainly on the ground that the authority, respondents establishment rejected the candidature of the applicant on age ground mentioning that the minimum age is 33 years whereas the applicant's

S. G. N.

age is 45 years. On this count the attention has been drawn towards the provisions in Para 2006 of I.R.E.M. Vol II. Clause (iii) of this para provides as under:-

"(iii) As long as it is established that a casual labour has been enrolled within the prescribed age limit, relaxation in upper age limit at the time of actual absorption should be automatic and guided by this factor. In old cases where the age limit was not observed, relaxation of age should be considered sympathetically. The DRMs may exercise such powers to grant relaxation in age limit."

2. Therefore, in view of the observation by the Tribunal in previously filed OA the case of the applicant ought to have been considered sympathetically which has not been done. The next contention ~~of the~~ ~~applicant~~ is that as per impugned order, the last selected candidate screened and empanelled has 280 days to his credit whereas the applicant has worked only 262 days.

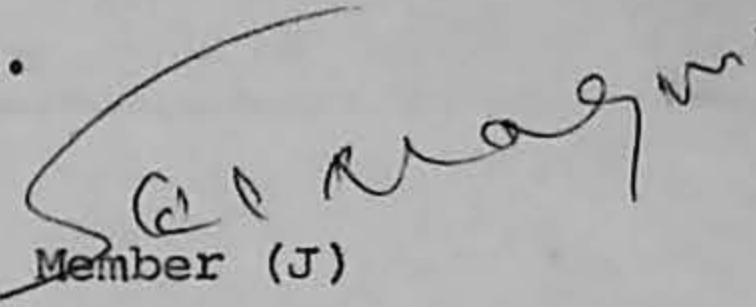
3. Learned counsel for the respondents submitted that the prescribed maximum age limit is 33 years and as per provisions of para 2006 of the I.R.E.M. Vol II, DRM may relax it at his discretion in the exceptional circumstances ^{which} he did not find applicable in the present matter where the applicant could not come in the merit as well, as where he has only 262 days to his credit whereas the last employee casual labour has worked for 280 days.

4. Keeping in view the facts and circumstances of the matter, it is found that the provisions in para 2006 Sub Para (iii) are not directive but discretionary ^{it could not} to the power of the DRM and perhaps it ~~cannot~~ be exercised in favour of the applicant, who was short of days he worked. The last empanelled person has 280 days

Saw

to his credit whereas the total number of days to the credit of the applicant are only 262 days.

5. With the above position in view, I do not find any merit in the matter, which is dismissed accordingly with no order as to costs.


Member (J)

Dube/