



**Central Administrative Tribunal  
Principal Bench, New Delhi**

**O.A. No. 790/2021**

**This the 1<sup>st</sup> day of July, 2021**

(Through Video Conferencing)

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman  
Hon'ble Ms. Aradhana Johri, Member (A)**

Jaiswar Ramavtar Prahlad  
Aged about 33 years  
S/o Shri Prahlad R. Jaiswar  
MMRDA Colony, Building No.17  
A Room No. 301, Natwar Parikh Compound  
G.M. Link Road, Govandi West Mumbai  
Suburban, Maharashtra-400043  
Post - Chemical Assistant (Group B)

... Applicant

(By Advocate: Shri B.K. Singh)

**Versus**

1. Union of India  
Through Revenue Secretary  
Ministry of Finance  
Department of Revenue  
North Block, New Delhi-110001.
2. The Director (RL)  
Central Revenue Control Laboratory  
Hillside Road, Pusa Campus  
New Delhi-110012.
3. The Regional Director  
Staff Selection Commission, NR  
Block No.12, Lodhi Road, Gokalpuri  
CGO Complex, Lodhi Colony  
New Delhi-110003.

... Respondents

(By Advocate: Shri Satish Kumar and Dr. Ch. Shamshuddin Khan)

**ORDER (Oral)****Hon'ble Mr. Justice L. Narasimha Reddy:**

The applicant responded to a notification issued by the Staff Selection Commission (SSC) for selection to the post of Chemical Assistant, in Central Revenue Control Laboratory (CRCL), Ministry of Finance, and he belongs to SC category. The selection process comprises of conducting of written test and verification of experience, in terms of the advertisement. The applicant, no doubt, was short listed on the basis of marks secured by him in the written test. However, he was not selected on the ground that he did not have the prescribed experience. Earlier, he filed OA No. 435/2020 in this behalf, challenging the very stipulation of experience and claiming certain other reliefs. The OA was disposed of declining to interfere with the selection process duly taking note of the fact that the issue was already decided in another OA. An observation was made that the case of the applicant shall be considered in accordance with law. The applicant made a representation dated 17.12.2020 in this behalf and taking the same into account, the respondents passed an order dated 26.02.2021 declining to relax the conditions as to experience. This OA is filed challenging the order dated 26.02.2021.

2. The applicant contends that a provision is made in favour of the SC candidates for relaxation of certain conditions and denial of such relief would defeat the right conferred on him under Constitution of India.



3. We heard Sh. B.K. Singh, learned counsel for the applicant and Sh. Satish Kumar and Dr. Shamshuddin Khan, learned counsel for the respondents, at the stage of admission.

4. This is the second round of litigation by the applicant, in the context of selection to the post of Chemical Assistant. The only basis for the non selection of the applicant is that he did not have the stipulated experience, as mentioned in the Advertisement. In the Advertisement it is clearly mentioned. The very issue was dealt with in detail, in a batch of OAs. When the applicant sought to raise the same ground in OA No. 435/2020, the Tribunal declined to grant any relief. However, an observation was made that the question of relaxation shall be considered in accordance with the relevant rules. The applicant made a representation on 17.12.2020 claiming the benefit of relaxation. In reply thereto, the respondents passed order dated 26.02.2021. It reads as under:

“Subject:- Representation dated 17.12.2020.

Please refer to your captioned representation.

2. At the outset, it may be stated that the Hon'ble CAT has not granted any relief in your favour. However, your subject representation has been examined, keeping in view the directions of Hon'ble CAT in O.A. No.435/2020. It is observed that:

- i) In your representation you have requested for relaxation with regard to your eligibility under SC category, in terms of Note-1 and Note-2 of Recruitment Rules.
- ii) Note 1 prescribes that “Qualifications are relaxable at the discretion of the Staff Selection Commission or Competent Authority, for reasons to be recorded in writing, in the case of Candidates otherwise well



qualified.” This is not applicable in your case, merely on the grounds of being SC category candidate.

- iii) Note 2 prescribes that “The qualifications regarding experience are relaxable at the discretion of the Staff Selection Commission or Competent Authority, for reasons to be recorded in writing, in the case of Candidates belonging to Scheduled Castes or Schedules Tribes if at any stage of selection, the Staff Selection Commission or Competent Authority, is of opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them.” Thus, relaxation in terms of Note-2 can only be available during the selection process, but, in this case, selection process is long over.
- (iv) Further, the power to relax is a discretionary power which is to be used only in rarest of the rare case meticulously and cautiously. It is not the right of the applicants to ask the department to use discretionary power in their interest.

3. In view of the above, I am directed to say that your aforesaid representation does not merit consideration.”

5. This is not a case in which the respondents did not acknowledge the facility of relaxation. Even while the facility exists, the respondents have to specify the reasons as to why and how it cannot be extended the benefit to the applicant. It is fairly well settled that the existence of power to relax is not a justification to compel the authority to relax any condition whatever. Much would depend upon the satisfaction of the department and the context in which the relaxation is sought. What we find from record is that the relaxation which is needed in the case of the applicant is not about certain length of period in the experience, which otherwise accords with the rule. The applicant wants relaxation as to the



very nature of experience. In other words, the experience is to be in a listed company whereas the applicant wants experience in non-listed company to be recognised.

6. We are of the view that the respondents have taken a well informed decision and it cannot be said that it was an arbitrary one. The respondents have furnished cogent reasons in support of their conclusion. It is also stated that the selection process was contended.

7. We do not find any basis to interfere with the impugned order. The OA is accordingly dismissed. There shall be no order as to costs.

**(Aradhana Johri)**  
**Member (A)**

**(Justice L. Narasimha Reddy)**  
**Chairman**

**July 1, 2021**  
/sd/jyoti/ns/