

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

THIS THE 13TH DAY OF MARCH, 1995

Original Application No. 1929 of 1994

HON. MR. JUSTICE B.C. SAKSENA, V.C.

HON. MR. S. DAYAL, MEMBER(A)

<sup>Khare</sup>  
Akhilesh Kumar/son of Shri Radhe Mohan  
resident of 18-A Moti Lal Nehru  
Road, Allahabad.

.... Applicant

APPLICANT IN PERSON

Versus

1. Union of India, through its Secretary  
Ministry of Finance, New Delhi.
2. The Chairman, Union Public Service  
Commission, Dholpur House, New Delhi
3. Comptroller and Accountant General of India  
10 Bahadur Shah Zafar Marg, New Delhi
4. Principal Accountant General  
Accounts and Entitlement, U.P. Alld.
5. Under Secretary to the Government of  
India, Ministry of Finance, New Delhi.

.... Respondents

O R D E R(ORAL)

JUSTICE B.C. SAKSENA, V.C.

We have heard the applicant who was appeared in person. Through this O.A. the applicant challenges a notice issued by Union Public Service Commission for holding a Special Limited Competitive Examination for induction into Indian Audit and Account Service 1995.

2. The applicant's case is that the age for eligibility to appear at the said examination as provided in the advertisement is arbitrary. The age limit prescribed is that the candidate must not have attained the age of 45 years as on 1.1.1995 i.e. to say he must not have been



born earlier than 2nd January 1950. The applicant submits that Rule 7(ii) of the Indian Audit and Account Service (Recruitment Rules) 1983<sup>2</sup> as per schedule III of the said rules for purposes of promotion to posts in group 'A' in the junior scale included in the Indian Audit and Account Service, the officer who have attained the age of 53 years ~~shall have~~ <sup>has been</sup> provided as not being eligible. The submission therefore of the applicant is that the prescription of the age qualification in the advertisement violates the provision of Rule 7(ii) of the Indian Audit and Account Service (Recruitment Rules 1983).

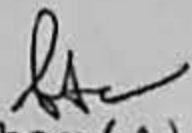
3. A perusal of the advertisement shows that the said Special Limited Competitive Examination was being conducted in accordance with the rules published ~~in~~ with the Ministry of Finance (Department of Expenditure) in the Gazette of India dated 29th October, 1994, copy of the Gazette has been filed as Annexure 1 to the O.A. The rules published in the gazette dated 29.10.94, are confined to the Special Limited Competitive Examination to be held by the Union Public Service Commission in the year 1995. This examination cannot be construed as a promotion as contemplated by Rule 7 of the 1983 Rules. Prescription of the age for any examination by the Union Public Service Commission is <sup>a</sup> ~~in~~ policy decision. The Union Public Service Commission is in a better position keeping in view the requirements to fix the age limit. As held by us this Special Limited Competitive Examination is not by way of promotion as contemplated under rule 7 read with Schedule III of the 1983 Rules. Thus there is no merit in the plea that the age limit should

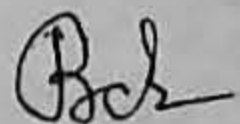
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have been prescribed <sup>upto</sup> 53 years. No other point has  
been urged. The O.A. lacks merit and is dismissed  
summarily.

  
Member (A)

  
Vice Chairman

Dated: 13.03.1995

Uv/