

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 01 of 2002 (U)

Allahabad this the 30th day of May, 2003

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.
Hon'ble Mr. S.K. Agarwal, Member (A)

Lokesh Kumar, S/o Shri Raj Pal Singh, R/o M.I.G.
525, Awas Vikas, Roorkee, District Haridwar.

By Advocate Shri Ajay Srivastava

Applicant

Versus

1. Union of India through its Secretary, Ministry of Defence, New Delhi.
2. The Commandant, Bengal Engineer Group and Centre, Roorkee, District Haridwar, Uttarakhand.
3. The Officer Commanding 810 Combat, Engineering Training Camp, Purkaji, District Muzaffar Nagar, U.P.

Respondents

By Advocate Shri S.K. Anwar

ORDER (oral)

By Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this application under Section 19 of the Administrative Tribunals Act, 1985, the applicant has challenged the order dated 22.10.2001 (annexure-1) by which the application for appointment on the post of Blacksmith submitted in pursuance of the Advertisement dated 16.06.2001 (annexure-2) has been rejected.

According to para-12 of the advertisement, the age should have been between 18 to 25 years. The last date for submitting the application was 04.07.2001.

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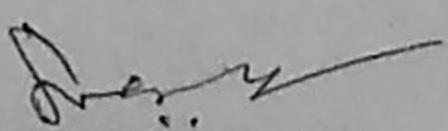
The case of the applicant is that he was ^a scheduled caste candidate hence, for him the relaxation should have been granted to the extent of 5 years ^a in the upper age limit. The claim has been raised on the basis of Government instructions dated 08.12.1971 (annexure-3). However, from perusal of O.M. dated 08.12.1971 it is clear that the relaxation in age limit for S.C./S.T. was in respect of promotion in various services ^a. The advertisement dated 16.07.2001 was for direct recruitment and there was only one post meant for general candidates ^a. In the circumstances, the applicant was not entitled for relaxation.

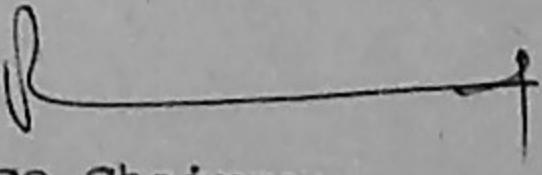
2. Shri S.K. Anwar, counsel for the respondents has drawn our attention towards O.M. dated 01.07.98 (annexure R'2) filed with counter-affidavit. Para.3 whereof reads as under;

"In this connection, it is clarified that only such SC/ST/OBC candidates who are selected on the same standard as applied to general candidates shall not be adjusted against reserved vacancies. In other words, when a relaxed standard is applied in selecting an SC/ST/OBC candidates, for example in the age limit, experience qualification, permitted number of chances in written examination extended zone of consideration larger than what is provided for general category candidate etc., the S.C./S.T./O.B.C. candidates are to be counted against reserved vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies."

3. From the aforesaid, it is clear that the applicant ^{was} not entitled for relaxation. The O.A. has no merit and is accordingly dismissed. No cost.

/M.M./


Member (A)


Vice Chairman