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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK.

Original Application No.109 of 1987.

Date of decision : June 30, 1988.

Shri Rabindra Kumar Roul, son of
Shri Sudhir Kumar Roul, Sutahat Christian
Village, Town-Cuttack, P.S.Cantonment,
P.O.Buxibazar, Cuttack-1. ...

Applicant.

Versus

1. Union of India represented by the
General Manager, South Eastern Railway,
Garden Reach, Calcutta.
2. Chairman, Railway Recruiting Board,
B7-B8 IRC, Village Nayapalli,
Bhubaneswar-12 (Orissa).
3. Member-Secretary, Railway Recruiting Board,
B7-B8, IRC, Village- Nayapalli, Bhubaneswar-12,
(Orissa). ...

Respondents.

For the applicant : M/s.P.V.Ramdas, &
B.K.Panda, Advocates.

For the respondents : Mr.Ashok Mohanty, Standing Counsel
(Railways)

C O R A M :

THE HON'BLE MR.B.R.PATEL, VICE-CHAIRMAN

A N D

THE HON'BLE MR.K.P.ACHARYA, MEMBER (JUDICIAL)

1. Whether reporters of local papers may be allowed to see the judgment ? Yes.
2. To be referred to the Reporters or not ? *No*
3. Whether Their Lordships wish to see the fair copy of the judgment ? Yes.

JUDGMENT

K.P.ACHARYA, MEMBER (J) In this application under section 19 of the Administrative Tribunals Act, 1985, the applicant prays for commanding the respondents to appoint him to a post of Trainee Assistant Station Master for which the applicant had appeared and had turned ^{out} to be successful.

2. Shortly stated, the case of the applicant is that an advertisement was published in the local newspaper on 4.9.1983 inviting applications for filling up the posts of Trainee Assistant Station Master. On 11.10.1983 the applicant filed an application for appointment to such a post. On 24.11.1983 intimation was sent to the applicant to appear at the examination and on 18.12.1983 the applicant appeared at a written examination and had turned out to be successful. On 21.4.1984 the applicant appeared at a Viva-voce test and he was also successful in the test. Very unfortunately his name could not be recommended by the Recruiting Board to the appropriate authority for issuing order of appointment. Hence, this application.

3. In their counter, the respondents admit all the facts stated above but they maintain that no recommendation can be made by the Recruiting Board to the appropriate authority for appointment of the applicant because he had crossed the upper age limit by about 4 years and odd. Hence, in no circumstance the appointment order could be issued in favour of the applicant and therefore, this case being devoid of merit, is liable to be dismissed.

4. We have heard Mr.P.V.Ramdas, learned counsel for the applicant and Mr.Ashok Mohanty, learned Standing Counsel for the Railway Administration at some length. Mr.Ramdas with his usual attitude of placing his points with all emphasis did so in the present case. But we feel that this is an unfortunate case and it was rightly and fairly submitted by Mr.Mohanty, learned Standing Counsel for the Railway Administration that no discretion is vested with the Recruiting Board to recommend the case of the applicant to the appropriate authority because the applicant had crossed the upper age limit. Mr.Mohanty further submitted that the age bar can be relaxed by the Government only in the case of persons mentioned in column 3 of the advertisement i.e. in regard to members of Scheduled castes and Scheduled Tribes etc. In view of the aforesaid submission of learned Standing Counsel for the Railway Administration, we think that unless the age limit is relaxed the applicant's grievance cannot be redressed. Mr.Ramdas again submitted with emphasis that Government in exercising their inherent powers can relax the age limit, if Government is moved by the appropriate authority. We have no objection if the appropriate authority moves the Government for relaxing the age limit on the basis of an application, if filed by the applicant and we hope the Government will consider.

5. Thus, this application is accordingly disposed of

leaving the parties to bear their own costs.



B.R. PATEL, VICE-CHAIRMAN,

9 agree.

..... 30.6.88
Member (Judicial)

..... 30.6.88
Vice-Chairman

Central Administrative Tribunal
Cuttack Bench, Cuttack.
June 30, 1988/S. Sarangi.