

CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

O.A.NO. 530 OF 1995

Cuttack, this the 2nd day of August, 2002

Shri Susanta Kumar Parida Applicant

Vrs.

Union of India and others Respondents

FOR INSTRUCTIONS

- 1) Whether it be referred to the Reporters No or not?
- 2) Whether it be circulated to all the Benches of the Tribunal or not? No

Caranayani Mohanty
(M.R.MOHANTY) 02/08/2002

MEMBER (JUDL.)

S.K.Hajra
(S.K.HAJRA)
MEMBER (ADMN.)

8

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

O.A.NO.530 OF 1995

Cuttack, this the 2nd day of August, 2002

CORAM:

HON'BLE MR.S.K.HAJRA, MEMBER (ADMN.)
AND
HON'BLE MR.M.R.MOHANTY, MEMBER (JUDL.)

....

Shri Susanta Kumar Parida,
aged about 36 years,
son of late Artatrana Parida,
P.O-Oranda, Dist.Cuttack,
at present working as Steno 'D'
in the office of the Regional Office,
Orissa Directorate of Field Publicity,
Ministry of I&B, Government of India,
Bhubaneswar

....

Applicant

Advocates for applicant - M/s Ganeswar Rath
S.Mishra
A.K.Panda

Vrs.

1. Union of India, represented
by its Secretary, Ministry of Personnel &
Training, Public Grievances & Pensions,
Government of India, New Delhi.

2. Chairman, Staff Selection Commission,
Dept. of Personnel & Training,
Block No.12, Lodi Road, New Delhi-3.

3. Regional Director, Staff Selection
Commission, 5 Esplanade, Row West, Old Assembly
Building Ground, Calcutta-1

.... Respondents

Advocate for respondents - Mr.B.Dash, ACGSC.

5m

....

O R D E R

MR.S.K.HAJRA, MEMBER(ADMN.)

The applicant applied for recruitment to the post of Inspector of Central Excise/Income-tax, etc., as advertised by Staff Selection Commission on 2-8 July 1994 (Annexure A/1). He was informed by memorandum, dated 31.8.1995 (Annexure A/5) that the age relaxation under 4(e) of the advertisement, which he had claimed, was for the departmental candidates who had rendered not less than three years continuous and regular service in posts which were in the same line or allied cadres and where a relationship could be established that the service rendered in the Department would be useful for the efficient discharge of duties of posts for which the recruitment was being made by the Commission. Aggrieved by this decision, the applicant filed this application with prayer for quashing of the order of rejection of his candidature for the posts in question.

2. The arguments advanced on behalf of the applicant are as follows. The applicant was working as a Stenographer Grade-D in the Regional Office of Directorate of Field Publicity, Bhubaneswar. He qualified in the written examination. The Respondents would not have called him to appear at the written examination, had he not been eligible for age relaxation. The Stenographers form a feeder cadre for promotion to the post of

5

-3-

Inspector of Central Excise/Income-tax, which shows that there is a relationship between the cadre of Stenographers and that of Inspectors of Central Excise/Income-tax. The applicant's service as Stenographer would be useful for the efficient discharge of duties of the post of Inspector of Central Excise/Income-tax. The applicant's plea for age relaxation was rejected arbitrarily and in violation of the principles of natural justice.

3. Shri B.Dash, the learned Additional Standing Counsel appearing for the respondents, argued as follows. The applicant, who was working as a Stenographer Grade-D in the Regional Office of the Directorate of Field Publicity, Bhubaneswar, was not eligible for age relaxation, as it was made clear in the Advertisement (Annexure A/1) and the impugned order at Annexure A/5, that the age relaxation was available to the departmental candidates who had rendered not less than three years continuous and regular service as on 1.8.1994 in posts in same line or allied cadres where a relationship could be established that the service rendered in the Department would be useful for the efficient discharge of duties of posts for recruitment was being made by the Commission.

4. We heard both sides and perused the records. The advertisement at Annexure A/1 states, among other things, as follows:

"Upper age limit is relaxable upto the age of 40 years (45 years for Scheduled

5

Caste/Scheduled Tribe candidates) to the departmental candidates who have rendered not less than 3 years continuous and regular service as on 01-08-1994 provided they are working in posts which are in the same line or allied cadres and where a relationship could be established that the service rendered in the department will be useful for the efficient discharge of duties of posts for which the recruitment is ~~xx~~ being made by this examination....."

The impugned memorandum, dated 31.8.1995 (Annexure A/5) informed the applicant that the age relaxation under 4(e) of the advertisement was for the departmental candidates as mentioned in the advertisement and that since the applicant was not working in a post which was in the same line or allied cadres and no relationship could be established between the post in which he was working and that applied for by him, his candidature was cancelled. It is obvious that only the departmental candidates, who had rendered not less than three years continuous and regular service in posts in the same line or allied cadres having a relationship which would be useful for the efficient discharge of duties of posts in question, were eligible for age relaxation. The applicant, who was working as a Stenographer Grade-D in a different Department (Regional Office of the Directorate of Field Publicity, Bhubaneswar) in a post which had no relationship with the posts he had applied for, did not fall within the category of holders of posts for which age relaxation was permissible. Therefore,

Govt

-5-

there is no material in the application to establish his claim to get age relaxation for recruitment to the post of Inspector of Central Excise/Income-tax.

5. In the light of the facts mentioned above, we see no reason for quashing the impugned order (Annexure A/5) and giving the relief to the applicant.

6. As a result, the application is dismissed without any costs.

Conorjan Mohanty
(M.R.MOHANTY) 02/08/2002
MEMBER (JUDL.)

S.K. Hajra
(S.K.HAJRA)
MEMBER (ADMN.)

AN/PS