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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH; CUTTACK.

O.A. NO. 27 of 1999.

Cuttack, this the 6th day of March, 2000.

Pradip Kumar Patnaik. Applicant.

Vrs.

Union of India and others. Respondents.

FOR INSTRUCTIONS.

1. whether it be referred to the reporters or not? Yes
2. whether it be circulated to all the Benches of the Central Administrative Tribunal or not? NO

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK.

ORIGINAL APPLICATION NO. 27 OF 1999.

Cuttack, this the 6th day of March, 2000.

CORAM:

THE HONOURABLE MR. SOMNATH SOM, VICE-CHAIRMAN:

AND

THE HONOURABLE MR. G. NARASIMHAM, MEMBER (JUDICIAL).

Pradip Kumar Pattanaik, Aged about 29 years,
Son of Natabar Pattanaik of Village: Nadiabarei,
Ps. Patkura, Dist. Kendrapara. Applicant.

By legal practitioner: M/s. Manas Chand, D. R. Parida, Advocate.

-VERSUS-

1. Union of India represented through
its Secretary, Ministry of Defence,
New Delhi.
2. Asst. Director (Aviation),
Aviation Research Centre,
PO: Charbatia, PS: Choudwar,
Dist: Cuttack.
3. Rabindranath pattanaik,
Aged about 41 years,
S/o. Radha Mohan pattanaik,
At present residing C/o. Bharat Chandra Dash,
New Colony, Birat Bazar, PO: Charbatia,
PS: Choudwar, Dist. Cuttack.

... Respondents.

Som By legal practitioner: Mr. A.K. Bose, Senior Standing Counsel .

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O R D E R

MR. SOMNATH SOM, VICE-CHAIRMAN:

In this Original Application u/s.19 of the Administrative Tribunals Act, 1985, applicant has prayed for a direction to the Respondents to make recruitment for the post of Tailor strictly following the eligibility criteria as per Annexure-1.

2. Applicant's case is that, the Assistant Director, ARC, Charibatia, issued notice on 14.8.98 at Annexure-1, seeking applications for the post of Tailor. In this notice, the eligibility criteria with regard to age was mentioned as between 18 to 30 years as on 15.9.98. Applicant is an eligible candidate and he has applied for the post alongwith all necessary documentation. But he came to know that Res.No.2 is going to appoint one Shri R.N.Patnaik, Respondent No.3. But according to the applicant he is aged about 41 years and is thus, not eligible to be appointed to the post. Applicant has further stated that according to the voter list, Res. No.3's age has been shown as 37 years in 1995. In view of this, he has come up in this petition with the prayer referred to earlier.

3. Departmental Respondents, in their counter, have stated that Res.No.3 has been selected for the post because alongwith his application he has submitted a certificate of the Headmaster, Chine Slip High School, Berhampur, Ganjam dated 15.8.1994. According to the certificate the date of birth of Res.No.3 is 10.3.1970 and he is well within the age limit of 30 years as on 15.9.1998. Respondents

have stated that Res.No.3 has been selected strictly in accordance with merits. In view of this, they have opposed the prayer of applicant.

4. Today when the matter was called, learned counsel for the petitioner was absent. On the last occasion also he was absent and in this case pleadings have been completed long ago and as such the matter can not be allowed to drag on indefinitely. In view of this, we have heard Mr. A.K. Bose, Id. Senior Standing Counsel appearing for the Respondents and have also perused the records.

5. It has been submitted by learned Senior Standing Counsel appearing for the Respondents that at the time of selection, Respondents have to go by the documents produced by the candidates. In case, later on, any complaint is made about the genuineness of the documents, the matter will be enquired into and further necessary step as required under law can be taken. In view of this, Respondent No.3 has been selected for the post on merits on the basis of educational certificate showing his age to be below 30 years as on 15.9.1998 and applicant has challenged the selection only on the ground of non-eligibility of Res.No.3 so far as age is concerned. We hold that the Departmental Authorities have rightly selected Respondent No.3 so far as age is concerned.

6. Applicant's prayer is for a direction to the Respondents to go by the age criteria as mentioned in Annexure-1 and the Respondents have actually gone through the age eligibility criteria as mentioned in Annexure-1. But at the same time, it must be noted that the applicant in an affidavit has stated that the age of Res.No.3 is 41 years at the time of making the application. In view of this, we direct the Departmental Authorities to cause an enquiry with regard to the genuineness of the

educational certificate submitted by Res.No.3 and take action as per law on the basis of the result of such enquiry. This enquiry should be completed by the Respondents within a period of 120 days from the date of receipt of a copy of this order. We also direct that the appointment of Respondent No.3 will be subject to the result of the enquiry.

7. With the above directions, the Original application is disposed of. No costs.

(G. NARASIMHAM)
MEMBER (JUDICIAL)

Somnath Som
(SOMNATH SOM)
VICE-CHAIRMAN

KNM/CM.