

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

DATED TUESDAY, THE FIRST DAY OF AUGUST ONE
THOUSAND NINE HUNDRED AND EIGHTY NINE

PRESENT

HON'BLE SHRI N.V.KRISHNAN, ADMINISTRATIVE MEMBER

&

HON'BLE SHRI N.DHARMADAN, JUDICIAL MEMBER

ORIGINAL APPLICATION NO.447/89

P.M.John - Applicant

v.

1. The Telecom District Engineer,
Alleppey.

2. The General Manager,
Telecommunications,
Kerala Circle, Trivandrum.

3. Union of India, represented
by Secretary to Government,
Ministry of Communications,
New Delhi.

- Respondents

Mr MR Rajendran Nair & P.V.Asha - Counsel of the
applicant

Mr P.V.Madhavan Nambiar, SCGSC - Counsel of the
respondents

O_R_D_E_R

(SHRI N.V.KRISHNAN, ADMINISTRATIVE MEMBER)

In this application, the applicant who is working
as Watchman from 23.9.1983 in the Department of Telecommu-
nications has aggrieved by the refusal of the respondents
to permit him to participate in the examination being
held on 6th August, 1989 for promotion to the cadre of
Technicians in the departmental quota for the year 1989-90.

permission
The ground on which the permission has not been granted is mentioned in the letter dated 22.7.1989 of the Junior Telecom Officer(Annexure-I), wherein it is stated that as the applicant is more than 40 years old as on 1.7.1989, his application for participation in the examination cannot be considered.

2. The counsel of the applicant has drawn our attention to Annexure-IV, being a memo dated 10/19th May, 1989 of the Ministry of Home Affairs, and according to him, this memo gives him the necessary relaxation of the upper age limit on the ground of his having rendered military service earlier. He also states that, on the receipt of the impugned order at Annexure-I, he has filed a representation dated 22.7.1989 to the Telecom District Engineer, Alleppey(Annexure-VI), in which he has specifically requested that authority to reconsider the matter regarding the relaxation of upper age limit in the light of the ~~Department of Personnel~~ ^{Ministry of Home Affairs} letter referred to above.

3. Having heard the counsel, we are of the view that it is ~~to~~ appropriate to dispose of this application finally by directing the respondent No.1 to consider the applicant's representation dated 22.7.1989(Annexure-VI) or a modified representation which is permitted to file within a weeks

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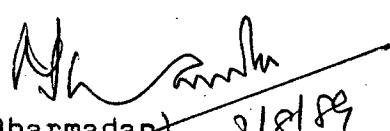
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time and dispose of it within a period of one month from the date of service of this order or date of receipt of the modified representation, whichever is later. Accordingly, such a direction is given.

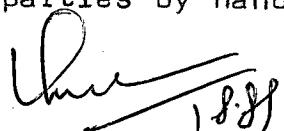
4. In the meanwhile, the respondents are directed to permit the applicant to participate in the examination, proposed to be held on 6th August, 1989 or to any other day to which it may be adjourned. It is also directed that in case the Annexure-VI representation or the modified representation is disposed of favourably, the respondents may also publish the results of the examination in so far as the applicant is concerned and act upon it. However, if the representation is rejected, the department need not communicate the result of the applicant.

5. The applicant will, depending on the final decision given by the respondent No.1, be free to file a further application before this Tribunal, if so advised.

6. With these directions, the application is disposed of. A copy of the order may be given to the parties by hand.


(N. Dharmadao)
Judicial Member

2/8/89


(N.V. Krishnan)
Administrative Member

1.8.1989.