

**S**CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

**O.A. NO. 462/2007**

**TUESDAY THIS THE 13th DAY OF NOVEMBER, 2007**

**C O R A M**

**HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN  
HON'BLE MR. GEORGE PARACKEN, JUDICIAL MEMBER**

K.G. Chandradasan  
Daftry  
Sub Regional Office  
Employees Provident Fund Organisation  
Kottayam. ....Applicant

By Advocates Mr. G. Sasidharan Chempazhanthiyil and  
Mr. Vishnu S. Champazhanthiyil

**Vs.**

- 1      Regional Provident Fund Commissioner  
Employees Provident Fund Organisation  
Regional Office, Pattom  
Thiruvananthapuram-4
- 2      Regional Provident Fund Commissioner (ADM)  
Employees Provident Fund Organisation  
Regional Office, Pattom  
Thiruvananthapuram-4
- 3      Union of India represented by  
Central Provident Fund Commissioner  
Mayur Bhavan, New Delhi.
- 4      M. Rajan  
Multi Task Attendant  
Sub Regional Office  
Employees Provident Fund Organisation  
Kottayam. ....Respondents

By Advocate Mr. Gopi for Mr. N. N. Sugunapalan Sr.

ORDER

HON'BLE MRS. SATHI NAIR, VICE CHAIRMAN

The applicant is aggrieved by the action of the respondents in appointing the 4<sup>th</sup> respondent as Staff Car Driver overlooking the legitimate claim of the applicant.

2 The applicant was working as a Dafty which is a Class-IV post under the respondents. The second respondent issued a circular inviting applications for appointment by transfer to the post of Staff Car Driver from among regular Class-IV employees as at Annexure A-1. The applicant applied and he was called for a skill test conducted on 10.7.2007. However, the first respondent by Annexure A-3 order appointed the 4th respondent on regular basis. Hence this O.A.

3 The main contention of the applicant is that the appointment of the 4<sup>th</sup> respondent is opposed to the guidelines issued by the Government of India in the matter of promotion and also that the 4<sup>th</sup> respondent has not even completed probation as he has only one and half years of service under the respondents while the applicant is very senior.

4 The respondents have filed a reply statement. They have submitted that as per the Recruitment Rules the essential qualification for the post of Staff Car Driver are:

- "(i) Professional skill in driving motorcars and knowledge of motor car mechanism
- (ii) Possession of valid license

(iii) Experience of driving motor car for atleast 3 years.

(iv) 8<sup>th</sup> Standard Pass with Certificate of driving of LMV are as desirable qualifications

v) The age limit for recruitment is 18-27 years (relaxable upto 35 years for Govt. Servants and 40 years in case of General candidates and 45 years in case of SC/ST candidates who are employees under Employees' Provident Fund Organisation."

5 Since there was no eligible candidate to be appointed by transfer, direct recruitment from among employees regularly appointed Class-IV employees of the Employees Provident Fund Organisation was resorted to and application take up for processing. There were 5 applicants in this category. A skill test was also conducted. While processing the selection it was noticed that the applicant's date of birth is 2.6.1959 and he has crossed the age limit of 45 years prescribed for SC/ST candidate who are employees of the EPF. Accordingly his application was not considered. The Recruitment Rules do not impose any restriction that probationers cannot be considered for the post of Staff Car Driver. The recruitment and the selection process was done in a most transparent way and there is no dispute regarding the qualifications, professional skills and experience of the selected candidates.

6 No rejoinder has been filed.

7 We have heard learned counsel for the applicant Shri Vishnu Chempazhanthiyil who put forward the same contentions as in the O.A.

8 The Recruitment Rules for the post of Staff Car Driver in the EPF Organisation notified vide Notification No.HRD/2(1)84/SCD/RRs dated

17.1.2007 has been perused. The contentions of the applicant are not found to be factually correct in the light of the provisions of the Recruitment Rules produced before us. The method of recruitment laid down in col. 11 is by transfer failing which by direct recruitment. Hence the question of promotion as contended by the applicant does not arise. Col. 12 of the Rules prescribes how the transfer has to be effected and from which grades the transfer is to be made. Col. 12 is extracted under:-

**Col. 12.**

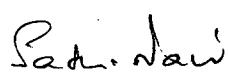
12. In case of recruitment by promotion/deputation transfer grades from which promotion deputation/transfer to be made	By transfer of officials possessing the qualifications prescribed in Col.8 and on the basis of result of a test in driving designed to adjudge suitability for the post with reference to standards of competence considered essential in drivers of staff cars from amongst the regular Despatch Riders/Scooter drivers serving in the respective offices/regions of the Employees Provident Fund Organisation where no suitable officials from amongst the regular Despatch Rider/Scooter Driver is available, the post will be filled by direct recruitment for this purpose preference will be given to regularly appointed Class-IV employees of the Employees Provident Fund Organisation serving in the respective offices/regions and who possess the qualifications prescribed in col. 8 In case no suitable person amongst them is available Recruitment shall be made through the Employment Exchange.
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9 Respondents have submitted that no qualified persons were available in the categories of Despatch Rider, Scooter Driver, which are categories from which transfer is provided. Therefore direct recruitment giving preference to regularly appointed Class-IV employees of the EPF Organisation has been resorted to. This position is confirmed by the notification issued at Annexure A-1 also. The age limit for employees of the EPF Organisation in the case of SC/ST candidates is 45 years. The applicant already has crossed the age limit and by no means he could have been considered as eligible to be selected under the Recruitment Rules.

10 We do not find any merit in this Application. It is dismissed. No costs.

Dated 13.11.2007.

  
**GEORGE PARACKEN**  
JUDICIAL MEMBER

  
**SATHI NAIR**  
VICE CHAIRMAN

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