

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 463/2013

Friday this the 12th day of June, 2015
CORAM

Hon'ble Mr. Justice N.K.Balakrishnan, Judicial Member
Hon'ble Mr. R.Ramanujam, Administrative Member

Mary Angel, House No.63,
Infant Jesus Lane, Pallithura PO
Thiruvananthapuram-695 586.

...Applicants

(By Advocate Mrs. Mary Benjamin)

Versus

- 1 Union of India represented by the Secretary, Department of Space, Government of India, New Delhi
- 2 The Vikram Sarabhai Space Centre represented by its Director, Indian Space Research organization, Thiruvananthapuram.
3. Head, Personnel & General Administration
Vikram Sarabhai Space Centre,
Thiruvananthapuram.

...Respondents

(By Advocate Mr. N.Anil Kumar, Senior Panel Central Govt. Counsel)

This application having been finally heard on 8.6.2015, the Tribunal on 12 .6.2015 delivered the following:

ORDER

Per: Justice N.K.Balakrishnan, Judicial Member

The applicant is the grand daughter of one of the evictees from whom land was acquired by the Indian Space



Research Organization (ISRO for short). The applicant sought employment based on Annexure.A1 decision taken in the meeting held on 3.6.1970. Though her name was suggested it was rejected on the ground that the applicant was over-aged. She contends that the order of rejection passed by the respondents is illegal and unsustainable and that other persons who had crossed 40 years were selected. The applicant was informed that her educational qualification meets only for an appointment on an erstwhile Group D post where the maximum age limit prescribed was 25 years with three years relaxation for OBC candidates. It was also stated that the applicant and so many other persons who were over-aged were found ineligible for appointment in VSSC as per rules. The applicant has thus filed this OA to issue directions to the respondents to appoint the applicant under them in terms of Annexure.A1 scheme and also to declare that the applicant is entitled to get appointment under the respondents.

2. The respondents resisted the application contending that even as per Annexure.A.1 scheme no guarantee for employment was given. They were only permitted to apply without being sponsored by the employment exchange but the applicant should satisfy the educational qualifications, the experience etc., and should also satisfy the age limit prescribed for the post applied



for. Since the applicant did not have educational qualification for other posts, she could be considered only for post in erstwhile Group D but as the applicant had crossed the age prescribed for the Group D post her request was turned down.

3. The question for consideration is whether the applicant is entitled to get appointment under the respondents based on Annexure.A1 scheme?

4. Now it is not disputed that the applicant has satisfied the condition that she is the grand daughter of the evicted person. Thus evictee status is established.

5. Then the other question is whether she has the required educational qualification and experience and also whether she comes within the age limit prescribed for the post applied for. The contention that some other persons who had attained 40 years or crossed 40 years were appointed is strongly resisted by the respondents. It is pointed out that so far as the departmental candidates for certain posts are concerned, relaxation upto 40 years is permissible but that is not available to the applicant who is an applicant coming under direct recruitment but governed by Annexure.A.1 Scheme. Annexure.A.1 scheme does not grant any sort of relaxation in any manner whatsoever. It was only decided that the applicant/evictee need not be



sponsored by the employment exchange as is done in respect of other candidates. There is no right vested in the applicant/evictee to contend that he or she should be appointed to a particular post. The basic essential requirements should be satisfied and that is well taken care of even as per Annexure.A1 scheme.

6. The respondents have produced orders of this Tribunal in OA 88/2012 and also the judgment of the Hon'ble High Court in WP(C) No. 35671/2010 and WP(C) No. 8285/2005. Relying on these decisions, it is vehemently argued by the Senior Panel Central Government Counsel that unless the applicant satisfies the requirements for the post applied for, she cannot as a matter of right contend that she should be appointed since no right was conferred on the evictees for getting appointment without satisfying the requirements. It was repeatedly said that no relaxation whatsoever was given but the applicant can without being sponsored by the employment exchange directly apply to the post notified by the respondents.

7. The contention that the applicant should be given some appointment is also countered by the Senior Panel Counsel pointing out that unless there is a vacant post where the applicant can be accommodated depending on the educational

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qualification, experience, age etc. she cannot be given employment. We have today disposed of OA 1002/2013 filed by three similar applicants. Same view is taken in that case also.

8. The copy of the relevant pages of the SSLC book produced would show that the applicant had passed SSLC in March, 1992. Her date of birth is 1.5.1977. Based on the educational qualification she can apply only for the erstwhile Group D post, the respondents contend. For that purpose the age prescribed was 25 years with three years relaxation for OBC category. But so far as the applicant is concerned, she was aged 34 years and as such she was not eligible to be appointed to any of the Group-D post. The learned counsel for the applicant submits that there would be so many other posts where the age limit prescribed is 35 years with three years relaxation for OBCs. The fact that she belongs to OBC is not disputed. So if there is a post in respect of which the upper age limit is 35 years, she can be considered upto 38 years. But she has to satisfy the educational qualification, experience etc. Not only that there should be a post lying vacant for accommodating the applicant to any such post. It is not as if the respondents have to appoint all such evictees despite the fact that there is no post lying vacant. If only there is a post lying vacant and the applicant satisfies the

requirements, she can be considered for appointment. It is nowhere stated in Annexure.A.1 that the moment the applicant satisfies the requirements she should be immediately posted. It would depend upon the availability of the post to which the applicant can be accommodated.

9. In this OA it is not specifically stated which is the post to which she can be considered. As the post applied for by the applicant was one in respect of which the upper age limit prescribed was 25 years with three years age relaxation for OBC the order rejecting the claim made by the applicant cannot be faulted with. But however, the applicant is given permission to submit another application/option statement showing particularly the post to which she can be considered based on the educational qualification and experience she had obtained and also only if she falls within the age limit prescribed for that post. For that purpose the option statement which may be filed by the applicant pursuant to this direction shall be deemed to have been filed in January, 2012. Respondents through their screening committee will consider the application/option statement filed by the applicant. The applicant will submit application/options statement within one month from this day. The applicant should produce the original SSLC book and other documents to prove



the qualification etc. before the Screening Committee. The Screening Committee will consider the same and pass appropriate orders within two months from the date of receipt of the application/option statement which may be submitted by the applicant as stated above.

10. OA is disposed of accordingly. No order as to costs.


(R.Ramanujam)
Administrative Member


(N.K.Balakrishnan)
Judicial Member

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