

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A No.515/93

Wednesday this the 6th day of April, 1994.

CORAM:

THE HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN  
THE HON'BLE MR.P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

Saji.T.K.  
Thykoottatil House,  
Thukalaseri,  
Tiruvalla-689 101.

.. Applicant

By Advocate Mr. Thamban Thomas

vs.

1. Tele-Communication District Engineer,  
Tiruvalla.
2. Assistant Engineer,  
Crossbar Installation,  
Tiruvalla -689 101.
3. P.A.Naushad,  
Kottarathil Kizhakkethil,  
Muthoor, Tiruvalla.
4. T.S.Rajasekharan Nair,  
Thundiyil House,  
Malayalapuzha.
5. The Chief General Manager,  
Telecommunication, Kerala Circle,  
Trivandrum.

.. Respondents

By Advocate Mr.T.P.M.Ibrahim Khan(R1, 2 & 5)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN:

Applicant challenges the appointment of Respondent-3 as a Driver in the Telecommunications Department. Both of them were casual employees. By Annexure A1 applications were invited for appointment as Drivers in the scale of Rs.950-1500. Annexure A1, which lays down conditions of eligibility, inter alia, reads:

"... age should be between 21 and 28 years as on 1.7.92. However, age will stand relaxed to the extent of the service rendered by applicant 'as casual drivers'".

(emphasis supplied)

2. Though applicant raised various contentions, most of which are irrelevant, we find from the files placed before us by the departmental respondents that Respondent-3 does not satisfy the age qualification.

3. Date of birth of Respondent-3 as seen from his application is 30.7.63. He was aged 28 years and 11 months on 1.7.92, while the upper age limit is twenty eight. Relaxation can only be to the extent of service rendered "as casual drivers", which is 66 days as shown in Annexure R1(a). Even if the age is relaxed by 66 days, Respondent-3 will be overaged.

4. Though notice was served on Respondent-3 and though a Vakalatnama had been filed, no one has appeared for 3rd respondent, nor has any reply statement been filed on his behalf.

5. The Departmental Promotion Committee consisting of S/Shri A.M.Chacko, Telephone District Engineer, G.Krishna Pillai, Sub Divisional Officer, Phones and K.K.Karunakaran, Sub Divisional Officer (Telecom.) in its proceedings noted against the name of applicant that he:

".. is having 214 days' experience as Driver as per the certificate produced. His experience certificate as casual driver or mazdoor before 1.4.85 is not produced... However during the course of personal interview, a certificate for having worked for 20 days as casual mazdoor during the year 1984 was produced. But he was not in the list of approved mazdoors of this Division. Hence, not considered by the DPC."

Against the name of Respondent-3, the selected candidate, it is noted:

"Eligible as per the recruitment rules in force".

No other detail is stated, as in the case of applicant. The entry is cryptic, for reasons best known only to the Departmental Promotion Committee. A photocopy of the proceedings of the Departmental Promotion Committee produced before us by the Standing Counsel, is appended to the judgment.

6. The selection is vitiated and it is stamped with vice on its forehead. We quash the appointment of Respondent-3 and direct the competent authority to make a fresh selection from amongst the eligible candidates whose candidature was considered, as on the date on which Respondent-3 was selected.

7. We direct Respondent-5, Chief General Manager, Telecom, to institute an enquiry into the circumstances under which a patently illegal selection was made. In the alternative, he may report the matter to the Central Bureau of Investigation. We issue this direction, as we are beholden to uphold the purity of Public administration, to the extent it is in our province. He will submit a report regarding the action taken by him after four months. Call on 10.8.94 for consideration of the report.

8. Application is disposed of with the aforesaid directions. No costs.

Dated the 6th April, 1994.

*P. Venkatakrishnan*  
P.V.VENKATAKRISHNAN  
ADMINISTRATIVE MEMBER

*Chettur Sankaran Nair*  
CHETTUR SANKARAN NAIR(J)  
VICE CHAIRMAN