

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH
ERNAKULAM

DATE OF DECISION

14th MARCH 1990

PRESENT

Hon'ble Shri S.P.Mukerji, Vice Chairman
&
Hon'ble Shri A.V.Haridasan, Judicial Member

ORIGINAL APPLICATION No.143/90

S. ANWAR HUSSAIN .. APPLICANT

VS.

1. The Secretary,
Union Public Service Commission,
Dholpur House, Shahjahan Road,
New Delhi-110 011.
2. Union of India
Ministry of Urban Development,
New Delhi.
3. The Superintending Engineer,
Trivandrum Central Circle,
Central P.W.D.,
Onayalloor Buildings,
Kesavadasapuram,
Trivandrum-4.
4. Sreekala T.
Junior Engineer,
Central P.W.D.,
Trivandrum-4.

.. RESPONDENTS

Counsel for the applicant .. M/s S.Ramachandran &
J.George.

Counsel for the respondents .. Mr. P.V.Madhavan Nambiar,
SCGSC

O R D E R

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

This is an application dated 12th February, 1990
under Section 19 of the Administrative Tribunals Act filed
by the applicant who is working as Junior Engineer in
the Central Public Works Department. The grievance of
the applicant is that he has been disqualified from

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appearing in the Limited Departmental Examination on the ground that he has not put in four years of qualifying service as on 1.7.89. The applicant's qualifying service falls short of the prescribed minimum limit by only a few days. His contention is that the date of 1st July fixed for reckoning the length of qualifying service is arbitrary, unreasonable and should be set aside. His further prayer is that since he has been allowed to appear in the examination provisionally under the orders of the Hon'ble High Court of Kerala where the applicant had filed O.P.10231/89, the provisional appearance in the examination should be declared to be legal.

2. We have heard the arguments of the learned counsel for both the parties. The learned counsel for the respondents brought to our notice the judgment given by the Principal Bench of the Tribunal in O.A.2133/89 on 16th November, 1989 in which similar question of declaring the first of July as an arbitrary date had been raised and considered. A copy of the judgment was delivered to the learned counsel for the applicant during the last hearing so that he can go through it to determine how far the judgment will be applicable to this application also.

3. We have gone through the judgment of the Principal Bench and are satisfied that the issue raised

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in the application before us had been raised by other applicants similarly circumstanced as the applicant before ^{in the aforesaid case} us before the Principal Bench. The Principal Bench in [^] the aforesaid judgment came to the conclusion that there is no illegality, arbitrariness or unreasonableness in the fixation of 1st July, 1989 as the cut off date for the purpose of eligibility.

4. In view of the aforesaid judgment, we see no force in the application before us which is dismissed under Section 19 (iii) of the Administrative Tribunals Act. There will be no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

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