

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.181/2004.

Thursday this the 6th day of January 2005.

CORAM:

HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER
HON'BLE MR.H.P.DAS, ADMINISTRATIVE MEMBER

Sini K Damodaran,
Kunnumpurath House,
Muyilakulam North P.O.,
Piravom (Via), Ernakulam District. Applicant

(By Advocate Shri.N.N.Sugunapalan)

Vs.

1. Administrative Officer,
 Staff Officer (Civilian), Office of
 the Flag Officer Commanding-in-Chief,
 Headquarters, Southern Naval Command, Kochi.
2. Flag Officer Commanding-in-Chief,
 Headquarters, Southern Naval Command, Kochi.
3. Union of India represented by the
 Secretary, Ministry of Defence,
 New Delhi. Respondents.

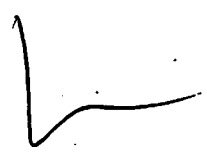
(By Advocate Shri TPM Ibrahim Khan, SCGSC)

The application having been heard on 6.1.2005,
the Tribunal on the same day delivered the following:

O R D E R (Oral)

HON'BLE MR.KV.SACHIDANANDAN, JUDICIAL MEMBER

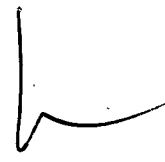
The applicant who was selected for apprentice training as Control Fitter, Naval Ship Repair Yard, Kochi contended that she has completed the one year training on 30.9.1990(A2). 60% of the vacancies is set apart in the cadre of Tradesman Skilled (Control Fitter) in NSRY for persons such as the applicant, who have completed the Annexure A-2 course. As per Recruitment Rules dated 1.6.2000 (A3), the age limit for appointment is 27 years. 3 years relaxation in upper age limit for appointment in Central Government Service is available for candidates, who belong to the OBC category. The applicant belongs to the OBC category. A



further age relaxation for one year period undergone for apprenticeship is also provided. Thus the applicant contend that she is entitled to a total age relaxation of 4 years with regard to the upper age limit. Applicant is the 4th ranked candidate. Three candidates were appointed out of whom one Mr. CR Suresh passed away on 6.12.2000(A4). Thereupon, the applicant submitted A-5, A-6 and A-7 representations. The applicant by Annexure A-8 was asked to produce the OBC Certificate and he produced the caste certificate dated 1.9.1999(A-9). Nothing was turned out to the representations but the Ist respondent has issued the communication dated 29.12.2003(A-10) in which it is stated that the applicant can be considered for appointment provided she fulfills the conditions in the Recruitment Rules in force at the time of filling up the vacancy. As per the averments in the O.A. the vacancy arose on 6.12.2000 and the applicant has completed 30 years of age at that time. Although the upper age limit is 27 years, being a candidate belonged to Other Backward Class, the applicant was entitled to get three years' age relaxation and in addition to this, the apprenticeship period viz, one year is also considered for allowing the age relaxation. Therefore, as on the date of occurrence of the vacancy she was not crossed the age limit. Aggrieved by the inaction on the part of the respondents the applicant has filed this O.A. seeking the following reliefs.

- i) To quash paragraphs 3 and 4 of Annexure A-10 communication issued by the Ist respondent as it is arbitrary, illegal and unconstitutional;
- ii) To direct the respondents to appoint the applicant in the vacancy arose on 6.12.2000 in the post of Tradesman Skilled (Control Fitter) consequent upon the death of Shri C.R.Suresh, who was holding that post.

2. The respondents have filed a statement and also a reply

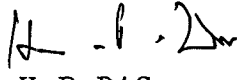


statement. Shri N.N.Sugunapalan, learned counsel appeared for the applicant and Shri TPM Ibrahim Khan, SCGSC appeared for the respondents. In the counsel statement dated 6.1.2005 the respondents have maintained the present position as regards the applicant in the Roster of Apprentices and submitted that there is no age bar with regard to absorption of apprentices. Thee applicant is live in the list and will be considered for absorption as and when vacancy arises and will be absorbed subject to the clearance of vacancy by the Government and satisfaction of condition in the Recruitment Rules prevailing at the time of absorption.

3. We have gone through the statement. We are of the view that the respondents be directed to consider the applicant as per the admission made by them in the counsel statement. At this juncture the counsel for applicant submitted that there is a vacancy of late CR Suresh who died on 6.12.2000 and the applicant may be considered on that post. Considering the request made by the applicant, we declare that the age restriction that has been imposed on the applicant by A-10 would not be applicable in the case of the applicant and we direct the respondents to consider her case as directed above.

4. O.A. is disposed of as above. In the circumstance, no order as to costs.

Dated the 6th January, 2005.


H.P.DAS
ADMINISTRATIVE MEMBER


K.V.SACHIDANANDAN
JUDICIAL MEMBER