

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 300 of 1991
T. A. No.

DATE OF DECISION 7-10-1991

Sebastian D'Souza Applicant (s)

Mr G Sasidharan Chempazhanthi^{Vil} Advocate for the Applicant (s)

Versus

The Superintendent of Post Respondent (s)
Offices, Kasaragod & 3 others

Mr NN Sugunapalan, SCGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

&

The Hon'ble Mr. AV Haridasan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *Yes*
3. Whether their Lordships wish to see the fair copy of the Judgement? *Yes*
4. To be circulated to all Benches of the Tribunal? *Yes*

JUDGEMENT

(Mr AV Haridasan, Judicial Member)

The applicant who has been serving the Postal Department as a casual Driver since 23.9.1985 has filed this application under Section 19 of the Administrative Tribunals Act praying that the 4th respondent may be directed to consider the representation made for age relaxation for the purpose of regularising his services as a Driver and also to keep in abeyance further proceedings of recruitment through Employment Exchange as a Driver till the representation of the applicant for relaxation of age is considered and finally disposed of by the 4th respondent. In reply to a representation made by him, the Post Master General has on 19.2.1991 had informed him

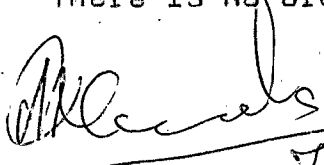
that as he did not satisfy the conditions of age, the question of relaxation of his services did not arise. This order dated 19.2.1991 has been impugned by the applicant in this application.


2. The applicant was aged 32 years when he was first engaged as a casual Driver on 23.9.1985. As per the recruitment rules, the upper age limits for general candidate is 30 years. Unless the age limit is relaxed, the applicant would not be eligible for appointment as a Driver on a regular basis. The competent authority to relax the age limit is the Government. The PMG was not competent to take any decision in the matter. When the applicant made a representation seeking relaxation of age on the basis of his continuous service for 5 years, the PMG who is not competent to decide whether the limit of age can be relaxed in this case or not should have referred the question to the third^{or the fourth}/respondent as the case may be and should not have turned down the request at the thrushhold as has been done by the impugned order at Annexure-IV. Anyway, the applicant has made a further representation addressed to the PMG on 19.2.1991 and a third one to the Secretary, Ministry of Communications, New Delhi on the same date. The Annexure-III representation has not been sent through proper channel. It appears that the 4th respondent has not received the same. It is admitted by the learned counsel for the respondents that the Annexure-II representation is still pending and that a reply has not been given because in the meanwhile, this application was filed. In

the facts and circumstances of the case, we are of the view that the proper course would be to direct the second respondent to forward the representation at Annexure-II to the competent authority, the third or the fourth respondent as the case may be for an expeditious disposal.

3. In the conspectus of facts and circumstances, we dispose of the application with a direction to the second respondent to forward the Annexure-II representation dated 19.2.1991 made by the applicant to the competent authority— either the third or the fourth respondent as the case may be, with a further direction to the respondents-3 and 4 to dispose of the representation within a period of one month from the date of receipt of representation. It is further directed that the casual service of the applicant should not be terminated until a final decision as stated above is taken by the competent authority. The process of selection initiated for selecting a Driver on a regular basis will abide by the decision taken by the competent authority in this matter.

4. There is no order as to costs.


(AV HARIDASAN)
JUDICIAL MEMBER


7.10.91
(NV KRISHNAN)
ADMVE. MEMBER

7-10-1991

trs