

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.328/1997

Monday this the 9th day of June, 1997.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. P.V.VENKATAKRISHNAN, ADMINISTRATIVE MEMBER

1. V.K.Sreekumar, Assistant Store Keeper, Naval Stores Depot, Naval Base, Cochin.4.
2. N.S.Santhosh, Assistant Store Keeper
-do-
3. K.Hareendran, Assistant Store Keeper
-do-
4. V.Bhuvanendran, Assistant Store Keeper,
-do-
5. K.S. Prathapan, Assistant Store Keeper
-do-
6. K.Alexander, Assistant Store Keeper,
-do- Applicants

(By Advocate Mr. V.R.Ramachandran Nair)
and Renuka)

Vs.

1. Union of India represented by the Secretary to Government, Ministry of Defence, Government of India, New Delhi.
2. The Chief of Naval Staff
Naval Headquarters, New Delhi.
3. The Flag Officer Commanding-in-Chief
Southern Naval Command,
Naval Base, Cochin.4.
4. The Chief Staff Officer,
(Personnel and Administration)
Southern Naval Command,
Naval Base, Cochin.4. Respondents

(By Advocate Mr. TPM Ibrahim Khan, Sr.CGSC)

The application having been heard on 9.6.1997, the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

Applicants who are Assistant Store Keepers
belonging to Group 'C' in the Naval Stores Depot are

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aggrieved that in the notification issued for direct recruitment to the post of Store Keeper on 5.11.96 the departmental candidates belonging to Group 'D' are given age relaxation to the extent of their service while such relaxation in age is denied to Group 'C' employees. Group 'C' employees as well as Group 'D' employees are eligible for being considered as departmental candidates. This discrimination of Group 'C' employees in the matter of age relaxation according to the applicants amount to hostile discrimination and not based on any intelligible differentia having a nexus to the objective sought to be achieved. The applicants therefore seek to have the impugned notification A-1 quashed, to declare that the recruitment proceedings pursuant to A-1 are illegal and to issue a direction to respondents to consider Group 'C' (Class III) departmental candidates also for appointment as Store Keepers against the direct recruitment quota by relaxation of upper age limit as in the case of Group 'D' (Class IV) employees.

2. The respondents in their reply have sought to resist the prayer of the applicants. However, when the application came up for hearing today, learned counsel appearing for the respondents states that the respondents have on reconsideration of the matter come to the conclusion that the denial of the benefit of age relaxation to Group 'C' employees as in the case of Group 'D' employees will not be proper and have decided to re-do the selection, cancelling the selection process already initiated granting the same benefit of age relaxation to Group 'C' employees also. It is also conceded that the relevant date for reckoning

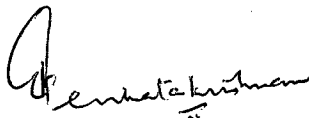
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upper age limit would be treated as 20.11.1996 as in the case of A-1 to avoid any injustice to prospective candidates who ^{would} have between 20.11.96 and the date of fresh notification crossed the age limit.

3. In view of the submission by the learned counsel for the respondents at the Bar the controversy in this case has brought to nil. Therefore, the application is disposed of with a direction to respondents to cancel the recruitment process initiated by A-1 as they have agreed to and to fill up the posts of Store Keepers by issuing a fresh notification granting to Group 'C' employees also the same relaxation in age as the other departmental candidates belonging to Group 'D' fixing the date 20.11.96 as the crucial date for determination of the upper age limit for the recruitment. No order as to costs.

Dated the 9th day of June, 1997.


P.V. VENKATAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

ks.

LIST OF ANNEXURE

1. Annexure A-1: True copy of the memorandum No.CS/3071/44 dated 5.11.1996 issued by the 3rd respondent notified to fill up the posts of Store Keeper.

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