

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

ORIGINAL APPLICATION NO. 35/2012

*Tuesday* this the *29<sup>th</sup>* day of September, 2015

CORAM

**Hon'ble Mr. Justice N.K.Balakrishnan, Judicial Member**  
**Hon'ble Mrs. P.Gopinath, Administrative Member**

1. Latha S. W/o N.Jayanathan, aged 43 years, Casual Labour O/o Principal Accountant General (A&E), Kerala, Thiruvananthapuram, residing at Puthuvalputhanveedu, Manvila, Kulathoor PO, Trivandrum.695583.
2. Remany.G W/o P.Sasidharan, aged 49 years, Casual Labour O/o Principal Accountant General (A&E), Kerala, Thiruvananthapuram, residing at Nirvirthi Bhawan, Kadavilaveedu, SARK-A-22-A, Peyad PO, Thiruvananthapuram.-695573.
3. Jayalakshmi Amma S, W/o Rajendran J, aged 42 years, Casual Labour, O/o Principal Accountant General (A&E), Kerala, Thiruvananthapuram residing at J.R.Bhawan, Thottakkad PO, Kallambalam, Thiruvananthapuram.
4. Jayanthi G. W/o Vijayan N, aged 44 years, Casual Labour, O/o Principal Accountant General (A&E), Kerala, Thiruvananthapuram residing at Kuttampattumele, Aperia Sadanam, Perumpazhathur, Aruvipuram Road, Thiruvananthapuram.
5. Radhamani P W/o Thulaseedharan, aged 51 years, Casual Labour, O/o Principal Accountant General (A&E), Kerala, Thiruvananthapuram residing at Ansi Bhavan, Konthalloor, Chirayinkeezhu PO, Thiruvananthapuram.
6. Prasad R.V.S/o Ramachandran Nair R, Aged 37 years, Causal Labour O/o Principal Accountant General (C&CA), Kerala, Thiruvananthapuram residing at Melepanayarathala Veedu, Panayarakunnu, Thiruvananthapuram.1.

...Applicants

(By Advocate Mr. Hariraj, M.R)

Versus

1. Principal Accountant General (C&CA), Thiruvananthapuram-695039.
2. Principal Accountant General (A&E), Thiruvananthapuram-695039.
3. Comptroller and Auditor General of India, New Delhi-110 001.

**...Respondents**

(By Advocate Mr. K.I. Mayankutty Mather)

This application, having been finally heard on 17.09.2015, the Tribunal on 29.09.2015 delivered the following:

**ORDER**

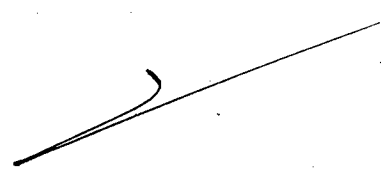
*Per: Justice N.K.Balakrishnan, Judicial Member*

This application has been filed by the applicants complaining of refusal to consider the applicants for appointment as Multi Tasking Staff (MTS for short) granting them relaxation of age as stipulated in the notification to the extent of their casual service. They contended that the applicants were engaged as casual labourers in the office of the respondents (Accountant General's Office) during 1994-95. In May, 1995 they were disengaged and freshers were sought to be inducted as casual labourers. On 12.2.1998 this Tribunal in OA912/1996 directed to engage the applicants as casual labourers based on their length of service in preference to the persons with lesser length of casual service and outsiders subject to availability of work. The applicants were engaged as casual labourers from 1999 onwards. No seniority list was published since engagement was not

being made in accordance with seniority. Some of the applicants again approached this Tribunal by filing OA 1433/1998 and connected cases. In that cases the respondents produced a list showing the date of engagement of casual hands. This Tribunal directed that the applicants be engaged as and when work is available in accordance with the seniority reflected in the seniority list. The respondents refused to grant proper age relaxation to the applicants as stipulated in the notification for considering them for selection as MTS. Hence this O.A has been filed for a declaration that the applicants are entitled to be considered for appointment to the cadre of MTS in accordance with Annexure. A4 in relaxation of age limit reckoning their age on the date of entry as casual service and granting relaxation and to consider the applicants accordingly

2. This application is resisted by the respondents contending as follows:

2.1 The claim for relaxation of age is unsustainable and contrary to Sub Clause (viii) of Clause 3 (B) of Annexure.A.4 notification for direct recruitment to the post of MTS. Clause 3 (A) of Annexure A4 notification prescribes the age limit. It is clearly mentioned that the candidates must not have attained the age of 27 years as on the closing date for receipt of the application. Sub Clause (viii) of Clause 3 (B) of Annexure A4 provides relaxation in age for casual workers who have been earlier engaged at least for two years in the office of the Indian Audit and Accounts Department. A



casual worker who fulfills the minimum eligibility of engagement of 200 days in two years may be given relaxation of age for the whole year if he was engaged in that year irrespective of any minimum number of days. The applicants are above that limit and that was the reason why they were not called for the interview. Even after giving age relaxation the applicants are not entitled to be considered for the post since all of them are overaged. Hence the applicants are not entitled to get the reliefs as claimed in the OA.

3. We have heard the learned counsel for the applicants and also the learned counsel counsel for the respondents.

4. Annexure A.4 is the employment notice dated 1.10.2011. Clause 3 (A) says that the candidates must have attained the age of 18 years and must not have attained the age of 27 years as on the closing date of receipt of the applications. The closing date of receipt of applications was 30.10.2011. The following is the table furnished by the respondents relating to the category, date of birth, date of initial engagement, total period of service, disengaged period and resultant age of the applicants, who were casual workers:

<i>S.No.</i>	<i>Name</i>	<i>Category</i>	<i>Date of birth</i>	<i>Date of initial engagement</i>	<i>Total period of service</i>	<i>Disengaged period</i>	<i>Resultant age</i>
1	Latha S	General	27/5/67	08/04/94	15 years	3 years	29 years 7 months
2	Remany.G	SC	01/05/62	11/04/94	15 years	3 years	34 years 5 months
3	Jayalakshmi Amma S	General	30/5/69	26/9/94	15 years	3 years	27 years 5 months

S.No.	Name	Category	Date of birth	Date of initial engagement	Total period of service	Diseng aged period	Resultant age
4	Jayanthi G	OBC	15/3/67	23/2/95	07 years	10 years	37 years 7 months
5	Radhamoni	Genral	20/2/61	23/2/95	09 years	8 years	41 years 8 months
6	Prasad R.V	General	13/5/74	24/2/95	10 eyars	7 years	27 years 5 months

5. The earlier orders passed by this Tribunal have no relevance to resolve the dispute in this case since question here is whether the applicants are entitled to get age relaxation as claimed by them. Annexure. A4 employment notification was issued for selecting suitable candidates for the post of Multi Tasking Staff. That is within the domain of the employer/department. Clause 3(B) (viii) is the sub rule which is relevant for consideration in this case is quoted as under:

**"3(B) The upper age limit as prescribed in Para 3 A will be relaxable:-**

***"(viii) As per orders of the Comptroller & Auditor General of India, casual workers, who have been earlier engaged at least two years in the concerned offices of the Indian Audit & Accounts Department to which the vacancies relates, will also be eligible for age relaxation to the extent of period of their engagement as casual labourers. This relaxation would be over and above the relaxation admissible to the SC/ST/OBC/PH/Ex-S candidates."***

The casual labourers are eligible for age relaxation to the extent of period of their engagement as casual labourers. This relaxation is over and above the relaxation admissible to the SC/ST/OBC/PH/Ex service candidates. Even after giving relaxation for the engaged period to the SC and OBC candidates ie.,Sl.No.

2&4 (Smt. Remany G and Jayanthi G) their resultant age is far above the prescribed age limit as can be seen from the last column of the table shown above. Therefore, the contention that the applicants are entitled to be considered for appointment to the post of MTS cannot be sustained. There is no illegality in rejecting their claim. Hence this OA is dismissed. No order as to costs.

  
(P. Gopinath)  
Administrative Member

  
(N.K. Balakrishnan)  
Judicial Member