

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.355/04

Monday this the 7th day of February 2005

C O R A M :

**HON'BLE MR. A.V.HARIDASAN, VICE CHAIRMAN
HON'BLE MR. H.P.DAS, ADMINISTRATIVE MEMBER**

C.S.Sudhir Kumar,

S/o.C.N.Sudhan,

**Station Master Gr.III, Southern Railway,
Kochi Harbour Terminus.**

**Residing at Railway Quarters No.20, Idappilly R.S.,
Kochi – 26.**

.. Applicant

(By Advocate Mr.T.C.Govindaswamy)

Versus

- 1. Union of India represented by the
Secretary to the Govt. of India,
Ministry of Railways, Rail Bhavan,
New Delhi.**

- 2. Railway Recruitment Board,
Divisional Office Compound,
Mumbai Central, Mumbai – through its Secretary.**

- 3. The Senior Divisional Personnel Officer
Southern Railway, Trivandrum Division,
Trivandrum – 14.**

.. Respondents

(By Advocate Mr.Thomas Mathew Nellimoottil)

**This application having been heard on 7th February 2005 the Tribunal on the
same day delivered the following :**



ORDER

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

The applicant, Station Master Grade III, Kochi, applied for the post of Law Assistant pursuant to notification issued by the Railway Recruitment Board, Mumbai, Employment Notice No.1/2003. He allegedly forwarded along with his application a copy of the SSLC Certificate. While the applicant was only aged 41 years and according to him was entitled to age relaxation and would be within the age limit of 43 years as a member of the OBC his candidature was rejected by Annexure A-2 order on the ground that he was over-aged and he had not appended age proof. The applicant is aggrieved by non consideration of his candidature and therefore filed this application seeking to set aside Annexure A-2 and for a declaration that he is entitled to be considered for appointment to the post of Law Assistant against the vacancies notified by the 2nd respondent under employment Notice No.1/2003.

Respondents in their reply statement contend that the application is not maintainable before this Bench of the Tribunal because in Annexure R-1 notification it has been stipulated that the litigation concerning the selection would lie only before the Mumbai Bench of the Central Administrative Tribunal. On merits respondents contend that the applicant was not within the age limit as there was no vacancy reserved for OBC he was not entitled to the age relaxation.

We have gone through the pleadings and materials placed on record and have heard the learned counsel on either side. Since the applicant is working in Kochi within the territorial limit of the State of Kerala throughout which the Bench of the Tribunal exercise jurisdiction there is no merit in the contention that the application is not maintainable. Further the application does not arise out of the notification but out of the rejection of his candidature communicated to him within the territorial limit of the State of Kerala. The O.A. has been admitted by order dated 2.6.2004 after considering this aspect therefore we go into the merits of the case. Learned counsel of the applicant submitted that for working Railway employees belonging to OBC relaxation would be up to the age of 43 years and therefore the applicant being aged only 41 years the rejection of his candidature on the ground that he is over-aged is unsustainable. We have perused the Ann. R 1 employment notification. We find that there was no vacancy earmarked for OBC while there was one vacancy earmarked for SC and one for ST. According to the conditions in paragraph 5(2) of the notification Annexure R-1 the relaxation on the ground of community would be available only against vacancies reserved against relevant community. Since there was no vacancy earmarked for OBC the applicant was not entitled to seek relaxation up to the age

of 43 years.

In the light of what is stated above, we do not find any merit in the application and dismiss the same leaving the parties to bear the costs. No costs.

(Dated the 7th day of February 2005)

H P DAS

H.P.DAS
ADMINISTRATIVE MEMBER

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A. V. Haridasan

A.V.HARIDASAN
VICE CHAIRMAN