

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

Original Application No. 382 of 2011

Friday, this the 16th day of November, 2012

CORAM:

Hon'ble Mr. Justice P.R. Raman, Judicial Member
Hon'ble Mr. K. George Joseph, Administrative Member

P.P. Hidayathulla, aged 41 years,
 S/o. P. Sayed Koya, Engine Room Assistant,
 Fisheries Department, Kavaratti, Residing at
 Purakkalapura House, Kavaratti. **Applicant**

(By Advocate – Mr. P.V. Mohanan)

V e r s u s

1. The Administrator,
 U.T. of Lakshadweep,
 Kavarathi-682 555.
2. Director of Fisheries,
 Directorate of Fisheries,
 U.T. of Lakshadweep,
 Kavaratti-682 555. **Respondents**

(By Advocate – Mr. S. Radhakrishnan)

This application having been heard on 16.11.2012, the Tribunal on the same day delivered the following:

O R D E R

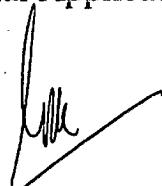
By Hon'ble Mr. Justice P.R. Raman, Judicial Member-

The applicant belongs to Scheduled Tribe community. He was selected and appointed as Engine Room Assistant on 22.11.2005 on contract basis. According to him he is entitled for relaxation in the matter of age for being considered against the posts of Engine Room Assistant on regular basis or Engine Driver on regular basis. It is an admitted case that a departmental



candidate alone has got a right to apply for any relaxation in the matter of age. Therefore, the short question arises for consideration is as to whether a contract appointee like the applicant can be treated as a departmental candidate enabling him to claim relaxation in the matter of age. In Union Public Service Commission Vs. Girish Jayanti Lal Vaghela & Ors. - 2006 (2) SCC 482 the Hon'ble Apex Court held that a contract appointee cannot be said to be a Government servant and therefore, not eligible for any relaxation in upper age limit. This was subsequently followed by this Tribunal in OA No. 417 of 2011 dated 23rd March, 2012. It is submitted that the said decision has been affirmed by the Hon'ble High Court of Kerala in a Writ Petition filed therefrom.

2. In view of the authoritative pronouncements as above, we have no doubt in our mind that the applicant cannot be treated as a Government servant and therefore, not eligible for any upper age relaxation as a departmental candidate.
3. Original Application is accordingly, dismissed. No order as to costs.



(K. GEORGE JOSEPH)
ADMINISTRATIVE MEMBER



(JUSTICE P.R. RAMAN)
JUDICIAL MEMBER

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