

CENTRAL ADMINISTRATIVE TRIBUNAL ERNAKULAM BENCH

O.A.No.402/97

Wednesday, this the 3rd day of September 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL ADMINISTRATIVE MEMBER

1. PV Mallika,
Safaiwala,
Range Office of
Central Excise Division
Trichur.
2. TK Padmini,
Safaiwala,
Divisional Office,
Central Excise, Trichur. - Applicants

By Advocate Mr R Rajasekharan Pillai

Vs

1. Union of India represented by the
Secretary
Ministry of Finance,
New Delhi.
2. The Ministry of personnel and Training,
New Delhi represented by
its Secretary.
3. The Board of Central Excise and Customs,
New Delhi represented by
its Chairman.
4. The Commissioner of Central Excise
and Customs,
Central Revenue and Customs,
Central Revenue Building,
IS Press Road, Cochin 18. Respondents

By Advocate Mr James Kurian, ACGSC

The application having been heard on 3.9.97 the
Tribunal on the same day delivered the
following:

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O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

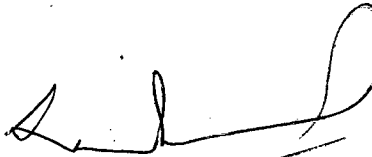
The applicants two in number are Casual Labourers who have been granted temporary status under the scheme of grant of temporary status and regularisation and working in the Central Excise Department. Their grievance is that the recruitment rules for appointment to the post of Sepoys insist that in the case of female candidates to be eligible for selection they should have a minimum height of 152 cms. Obviously the applicants do not have such height. The applicants state that in view of the scheme of grant of temporary status and regularisation in relaxation of the recruitment rules and enlargement of percentage of vacancies to be thus filled, the rigidity in recruitment in regard to the prescription of minimum height has become otiose and therefore the clause in the recruitment rules which makes it compulsory that the female candidates for appointment to the post of Sepoys should have minimum height of 152 cms should be declared unreasonable, arbitrary and unconstitutional. The applicants pray that the rules may be set aside to that extent and a direction be given to the respondents to appoint the applicants as Sepoys with effect from the date of the junior of the applicants have been appointed.

2. The respondents resist the claim of the applicants. They have contended that the minimum physical standards have been prescribed for appointment to the post of Sepoys taking into account the job

Content as the Sepoys have to on occasions deal with arms and conduct raids and that this requirement in the recruitment rules cannot be considered arbitrary or irrational, The respondents have also indicated in the reply that the applicants could not be regularised in the post of Safaiwala which is a permanent Group'D post for want of vacancy and as and when the vacancies arise the applicants would be considered for absorption in accordance with the rules in that regard.

3 After having heard the learned counsel on either side we are not convinced that the impugned provision in the recruitment rules can be considered arbitrary. Eligibility criteria including the minimum physical standard are to be fixed by the competent authority in the Government taking into account the nature of duties and the job content. That having been done, we are of the considered view that the Tribunal cannot sit in judgement against the prescription of the standards. Since the respondents in their reply have indicated that the applicants would be considered for absorption against Group D post of Safaiwala etc as and when vacancies arise in their turn we are of the view that the applicants have to wait for their turn With the above observation the application is rejected. No costs

Dated, the 3rd September 1997.


(SK GHOSAL)
ADMINISTRATIVE MEMBER


(AV HARIDASAN)
VICE CHAIRMAN