

CENTRAL ADMINISTRATIVE TRIBUNAL LUCKNOW BENCH LUCKNOW

(A6)

Original Application No. 632 of 1989

## Versus

Hon'ble Mr. Justice U.C.Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

( By Hon'ble Mr. Justice U.C.Srivastava, V.C.)

The applicant, who had already experienced in the post of Store-Keeper in private employment, was selected for the post of Store-Keeper in the office of the Chief Quality Assurance Establishment (Materials), Kanpur after formalities which were invoked and selection was made from amongst those whose name was forwarded by the employment exchange. Even after selection for which a written and oral test was also taken, the applicant was not given the appointment, even though, the attestation form was submitted and police verification report etc. were received. He made efforts for the same. As all his efforts failed, he has approached the tribunal praying that the appointment letter may be issued to him for the said post.

2. The respondents in the return have pointed out that because of the fact that the post has become time barred, appointment could not be given. It has been said with reference to the applicant's representation that in case, the appointment will not be given notwithstanding the fact that he was qualified in the test and as such he will be fully entitled for the appointment and he will be come over-aged in case, appointment is not given to him. It has been made clear before us that due to limitation of time and because of subsequent ban imposed by the government of India in making the appointment, the appointment could not/ be made, that may

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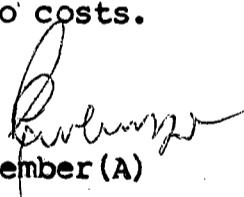
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be so. The selection was made, but the appointment could not be made because of the ban, but the ban is not a perpetual factor. Obviously, when the ban is removed, the applicant's case for appointment against the said post for issuance of the appointment letter will again be considered by the respondents and while considering his case or issuing appointment letter the age factor will not stand in the way, meaning thereby that the applicant's case will not be rejected merely on the ground that he has become over-aged, because it is not his fault and because of the act of the respondents themselves that he has become over-aged. Accordingly, with the above we direct observations, that the applicant will be given priority and preference and his case will be considered first at the time of issuing the appointment letter, any other move for appointing, any other person will be taken. The application stands disposed of finally in these terms.

No order as to costs.

  
Member (A)

  
Vice-Chairman

Lucknow Dated: 29.1.1993.

(RKA)