

(A8)

CENTRAL ADMINISTRATIVE TRIBUNAL, LUCKNOW BENCH.

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Registration O.A. No. 1168 of 1987

Jagdish Prasad Applicant.

Versus

Union of India

and others Respondents.

Hon. Mr. Justice U.C. Srivastava, V.C.
Hon'ble Mr. K. Chayya, Member (A)

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

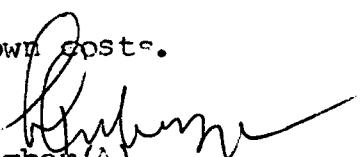
The applicant was appointed as a waterman (contingent paid staff) in the Divisional Office Sitapur, in the office of the respondent no. 4 @ a monthly salary of Rs. 100/- vide order dt. 11.5.1983. In the year 1984, the applicant was posted as Chaukidar. There were vacancies in Group-D services for the post of Sepoy. The applicant also offered his candidature for the same and after test and interview, he was selected and appointed as Sepoy as per order dated 16.4.1986. But vide order dt. 22.11.1986, he was reverted back to the post of contingent paid staff, and against his reversion order, he has approached to the Tribunal.

2. The respondents in their reply have pointed out that at the time of scrutiny of the records, it has come to the notice of the respondents that the applicant was over-age and he was not eligible for being absorbed in the cadre of Sepoy, as such, there was no way left except to revert him. As such, the action taken by the respondents was not arbitrary. It is stated that the question of relaxation of maximum age limit for the purposes of regularisation of casual workers who were engaged after 20th March, 1979 was considered in consultation with the department of personnel and training but they have not, however, agreed to the same. When the applicant was promoted as Sepoy, his

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age was 34 years , 8 months . It was for the respondents to relax his age but if ^{they do} ~~he does~~ not relax his age, the applicant does not claim a right for relaxation of his age. As we do not find any force in this application, the application is accordingly dismissed. However, as the applicant was appointed at the age of 34 years and 8 months, it is still open for the respondents to consider this matter and in case, they feel that the applicant's work is good, relaxation should be given to him and the case of the applicant shall have to be considered sympathetically. The application is dismissed with the above observations. Parties to bear their own costs.


Member (A)


Vice-Chairman

Dated: 17.7.1992

(n.u.)