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CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No: 637/88

~~Transfer Application No~~
~~XXXXXXXXXXXXXXX~~

DATE OF DECISION: 29.6.94

Shri R.S. Gosavi and 5 others Petitioner

Advocate for the Petitioners

Versus

Post Master General,-----Respondent
Maharashtra Circle , Bombay and others.

Shri S.S.Karkera Advocate for the Respondent(s)

CORAM :

The Hon'ble Shri B.S. Hegde, Member (J)

The Hon'ble Shri M.R. Kolhatkar, Member (A)

1. To be referred to the Reporter or not ? *nil*
2. Whether it needs to be circulated to other Benches of the Tribunal ? *nil*

B.S. Hegde
(B.S. Hegde)
Member (J)

CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Original Application No. 637/88

Shri R.S. Gosavi and 5 others.

... Applicants.

V/s.

Post Master General
Maharashtra Circle
Bombay.

Senior Superintendent of
Post Offices, Pune City,
East Division,
Pune.

... Respondents.

Postmaster G.P.O.
Pune.

CORAM: Hon'ble Shri B.S. Hegde, Member (J)
Hon'ble Shri M.R. Kolhatkar, Member(A)

Appearance:

None for the applicant.

Shri S.S.Karkera for
Shri P.M.Pradhan, counsel
for the respondents.

ORAL JUDGEMENT

Dated: 29.6.94

¶ Per Shri B.S. Hegde, Member (J) ¶

Heard Shri S.S.Karkera, counsel for the respondents. During the course of hearing Shri Karkera has drawn our attention that this OA has been filed by six persons jointly. Out of six persons four persons have been regularised vide O.M. No. 49014/16/89-ESTT.(C) dated 16.7.90. According to the respondents Shri S.N. Sakore and Shri H.B. Gaikwad has come in the guide lines of D.O.P. on a later date. Out of the two Shri S.N. Sakore belongs to OC and Shri H.B. Gaikwad belongs to S.C. community. Shri Sakore's date of birth is 2.6.58 and he is being engaged by the department as substitute worker from 20.6.83. He had put in 7 years and 26 days service as on 16.7.90. So far as Shri Gaikwad is concerned his

date of birth is 1.6.53 and he is being engaged by the department from 20.6.83. He had put in 7 years and 26 days of service as on 16.7.90.

In this connection learned counsel has drawn our attention to DOP circular dated 16.7.90, which reads as follows:

" The matter has been considered and it has been decided that casual workers, who have been engaged for performing duties of Group 'C' Posts, may, as a one time measure be allowed age relaxation to the extent of period of service rendered as casual worker in a Central Government Ministry/Department or its attached/subordinate offices to enable them to appear alongwith other candidates, in the regular examinations conducted by the Staff Selection Commission for recruitment to Group 'C' Posts. The relaxation in the upper age limit on the above lines will be subject to the following conditions:-

- i) The casual worker must be in employment in a Government office on the date of issue of these instructions.
- ii) He/She must have completed 240 days (206 days in offices observing 5 day's a week) of service in immediately two preceding calendar years.
- iii) He/She must be educationally qualified for the Post for which appointment is sought."

According to the learned counsel, both the candidates do not come into the age limit relaxed by the Department of Personnel as they were over aged by one month. Therefore they were not allowed to appear for the examination.

It may be recalled that in a similar circumstance Full Bench has observed that the applicants though not covered strictly under the guidelines of the Department of Personnel, however, the length of service rendered by the applicants should

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Department should
be considered and give them two opportunities to
appear for the examination and if they succeed,
their services may be regularised.

Keeping in view the guide lines issued
by the Department of Personnel, in the instant
case both the applicants have rendered 7 years' service and
are still working on daily wages. In the circumstances,
in the interest of justice the respondents are
directed to give two opportunities to them to appear for
the examination irrespective of the fact that they
are over aged and if they succeed in the examination
their services may be regularised. If they do not
succeed in the examination it is open to the
respondents to take appropriate action as they deem fit.
In the light of the above O.A. is disposed of.
No order as to costs.

M.R. Kolhatkar

(M.R. Kolhatkar)
Member (A)

B.S. Hegde
(B.S. Hegde)
Member (J)

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