

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 638/2001.

Thursday, this the 28th day of February, 2002.

Hon'ble Shri Justice Ashok Agarwal, Chairman,
Hon'ble Smt. Shanta Shastri, Member (A)

A.H.Toraskar,
Raju Savant Chal, Sada,
Opp. Primary Health Centre,
At & Post Devgad, Taluka Devgad,
District Shindhudurg, M.S.
(By Advocate Shri S.S.Karkera)

...Applicant.

v.

1. The Union of India, through
The Secretary, Ministry of Finance
Department of Central Excise & Customs,
New Delhi - 110 001.
2. The Commissioner of Central Excise,
Mumbai - I, Central Excise Building,
115, Maharshi Karve Road,
Opp. Churchgate Rly. Station,
Mumbai - 400 020.
3. The Joint Commissioner (P & V)
Central Excise Mumbai - I,
Central Excise Building,
115, M.K.Road,
Opp. Churchgate Rly. Station,
Mumbai - 400 020.
4. The Commissioner of Customs,
41-A, Ice House, Opp. Wadia College,
Sasoon Road, Pune - 411 001.
5. The Collector of Central Excise & Customs,
PMC's Commercial Building, Tilak Road,
Pune - 411 001.
6. The Asstt. Commissioner of Customs,
Central Revenue Building, Jail Road,
Ratnagiri - 466 613 (Dist. Sindhudurg).
7. The Superintendent of Customs,
Devgad - 416 613 (Dist. Sindhudurg).
8. Shri M.D.Gavade,
C/o. The Commissioner of Customs,
41/A, Ice House, Opp. Wadia College,
Sasoon Road,
Pune - 411 001.
9. Shri M.A. Shetye,
C/o. The Assistant Commissioner of Customs,
Dapoli Dist. Ratnagiri,
Dapoli - 415 712.

(By Advocate Shri V.D.Vadhavkar)

...Respondents.

...2.


: O R D E R (ORAL) :


Justice Ashok Agarwal, Chairman.

Applicant who was employed as a Sepoy with Respondent No.4 w.e.f. 16.2.1983 had sent in his willingness as per requisition of Respondent No.1 of 11th March, 1999 (page 29) for being appointed as a Driver (O.G.). Since there was no response from Respondent No.1 to the willingness offered and candidates junior to him were appointed in July and August, 1999, he sent in his representation to Respondent No.1. Since there was no response to the said representation, he has instituted the present OA.

2. Respondents in their written statement have inter alia ~~held~~ ^{averred} that the case of the applicant has not been considered as he has been found to be over-aged. The cut off date for the upper age limit in respect of departmental candidates belonging to general category was fixed as 1.4.1959. However, applicant having been born on 10.10.1957 was found over-aged and hence not considered.

3. In our judgment, denial of appointment of applicant to the post of Driver (O.G.) on the ground that he is over-aged is just and proper. The same cannot, therefore, be successfully assailed. Present OA, in the circumstances, we find is devoid of merit. The same is accordingly dismissed. In view of the disposal of the OA on merits, nothing survives in the M.P. No.749/2001, the same is also accordingly disposed of. No order as to costs.


(SHANTA SHASTRY)
MEMBER (A)


(ASHOK AGARWAL)
CHAIRMAN

B.