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T.A. NO:

DATE OF DECISION 3-10-1991

Chetan Prabhakar Patwardhan Petitioner

Mr. Lonkar

Advocate for the Petitioners .

Versus

Union of India and others

Respondent

Advocate for the Respondent(s)

CORAM:

The Hon'ble Mr. A.Y.Priolkar Member(A)

The Hon'ble Mr. T.C.Reddy, Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ? *N*
3. Whether their Lordships wish to see the fair copy of the Judgement ? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal ?

MD

(A.Y. PEROLIER)

mbm<sup>56</sup>

(4)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL  
BOMBAY BENCH

O.A.534/91

Chetan Prabhakar Patwardhan,  
568/4, Sadashiv Peth,  
Pune - 30.

.. Applicant

vs.

1. Union of India  
through  
Secretary,  
Ministry of Finance,  
South Block,  
New Delhi.

2. The Chief Commissioner of  
Income Tax,  
Income Tax Dept.,  
Pune Region,  
Sadhu Vaswani Road,  
Pune - 1.

3. The Chairman,  
The Central Board of Direct Taxes,  
South Block,  
New Delhi.

.. Respondents

Coram: Hon'ble Shri M.Y.Priolkar, Member(A)

Hon'ble Shri T.C.Reddy, Member(J)

Appearance:

Mr.Lonkar  
Advocate for the  
Applicant.

ORAL JUDGMENT:  
Per M.Y.Priolkar, Member(A) 00

Date: 30 3-10-1991

The applicant in this case <sup>is</sup> according to him <sup>a</sup> a qualified Sportsman and fulfils all the conditions prescribed for appointment under the sportsmen quota without having to appear for a competitive examination to be held by the Staff Selection Commission or any other recruiting agency. The applicant states that <sup>the</sup> normal age limit for appointment to the post of Inspector of Income Tax to which he had applied is between 18 to 25 years and the reserved categories of employees enjoy age relaxation <sup>and</sup> upper age limit. The applicant contends that he had applied for the post of Inspector of Income Tax in pursuance to an

advertisement dtd. 10-9-1988 issued by the Chief Commissioner of Income Tax, Pune in which the age limit for general candidate was stated to be 18 to 30 years. His application was however rejected that time since he had to be a graduate at the time even though he was called for interview. The error was detected by the department at that stage that one of the essential condition was that the candidate should be graduate as on the date of publication of the advertisement i.e. 10-9-1988 but in fact the applicant passed the degree examination only in April, 1989 and had submitted the degree certificate much later. He had again applied in pursuance of another advertisement issued by the Chief Commissioner of Income Tax, Pune on 10th August, 1991. But this time his application has been rejected on the ground that he was not within the age limit and he has crossed the upper age limit of 25 years. Learned counsel for the applicant also admitted that he does not satisfy one of the other essential conditions in this advertisement, namely, that the sportsmen should have represented after 1-1-90 at the level of specified competitions as he had represented in such competition only in 1987-88 and earlier.

2. The grievance of the applicant as contended by the learned counsel is that in another office of the same department viz. Office of the Chief Income Tax Commissioner, Madras, the age limit for similar post is mentioned as 18 to 25 years but the upper age is stated to be relaxable upto 5 years. But similar stipulation regarding relaxation by 5 years does not exist in the present advertisement issued by the Chief Commissioner of Income Tax, Pune. This according to the applicant is discriminatory.

3. As we have already noted, apart from age limit, the applicant also does not fulfill the other essential condition of representing at specified level competition after 1-1-1990 as prescribed in the advertisement. Apart from this, the appointing authority being different, there should be no bar to different eligibility conditions and also different criteria for age relaxation being prescribed by different appointing authorities in different areas after taking into the circumstances prevailing in their respective jurisdiction like the availability of adequate number of qualified candidates, etc. We do not therefore see any discrimination against the applicant in this case in two different appointing authorities prescribing different standards of relaxation in age limits to suit their individual requirements. In any case since the applicant does not even fulfil one of the other essential conditions prescribed in the advertisement, we find no substance in this application which is rejected as devoid of any merits.

*T. Chandra Sekhara*  
(T.C. REDDY)  
Member(J)

*M. Y. Priolkar*  
(M.Y. PRIOLKAR)  
Member(A)