

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY-1
CAMP: NAGPUR

OA No. 1293/92

Suresh Madhukar Kharche
Plot no. 53; Ulhasnagar
Manewada road; Nagpur 440027

..Applicant

V/s.

Union of India through
Regional Director (WR)
Staff Selection Commission
Army & Navy Bldg.
148 Mahatma Gandhi Road
Bombay-1 & 2 ors.

..Respondents

Coram: Hon. Shri Justice M.S. Deshpande, V.C.
Hon. Shri M Y Priolkar, Member (A)

APPEARANCE:

Mr. A S Bhagat
counsel
for applicant

Mr. Ramesh Darda
counsel
for respondents

ORAL JUDGMENT:
(PER: M S Deshpande, Vice Chairman)

DATED: 19.7.93

Heard the counsel.

It is apparent that the applicant did not fall within the age limit which was prescribed in the notification dated 16.2.91, Annexure-1, which was a condition for appearing at the examination.

The applicant relies on the case of Akhilesh Gaur V. Union of India, (1992)21 ATC 351. But that was a case of promissory estoppel where the applicant had changed her position and had resigned the job. There is no question of the applicant in the present application of having changed the position. In fact there is mention by the respondents in the present case that the applicant would be accepted inspite of upper age limit in relaxation of age.

We see no merit in the application.
It is accordingly dismissed.


(M Y Priolkar)
Member(A)


(M S Deshpande)
Vice Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH

Review Petition No. 81/93
in O. A. 1293/92

Suresh Madhukar Kharche
Nagpur

Applicant

vs

Union of India through
Regional Director (WR)
Staff Selection Commission
Army & Navy Bldg.
148 Mahatma Gandhi Road
Bombay -1 & 2 Ors.

.. Respondents.

Coram: Hon'ble Shri Justice M.S.Deshpande, Vice-Chairman
Hon'ble Shri M.Y.Priolkar, Member(A)

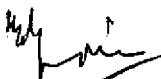
Dated: 12-11-93

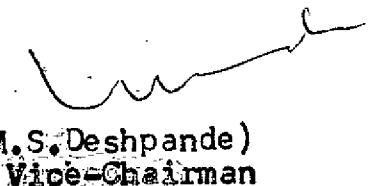
Tribunal's Order
(Per: Shri M.Y.Priolkar, Member(A))

In our judgement dated 19-7-1993 of which a review is sought by the applicant in O.A. 1293/92, we had held that the applicant did not fall within the age limit prescribed in the notification dated 16-2-1991. According to the review petition, this is an error of fact since under the notification, the age limit is relaxable upto 40 years for departmental candidates and, according to the applicant, he is a departmental candidate.

2. Admittedly, the applicant is an employee of Employees State Insurance Corporation, which is a statutory corporation. No doubt, the age limit is relaxable to departmental candidates but the term "departmental candidates" is defined in para 2 B(ii) of the notification in question (Annexure I) as "Central Government Employees" holding posts in certain pay scales and satisfying certain other conditions. The applicant being an employee of a statutory corporation as distinct from a Central Government Department will not evidently fall within the category of departmental candidates.

3. We do not, therefore, see any error of fact or of law in our judgement dated 19-7-1993 nor any other sufficient reason to warrant a review of that judgement. The review petition is rejected.


(M.Y. Priolkar)
Member(A)


(M.S. Deshpande)
Vice-Chairman