

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 1002/98.

Date of Decision: ~~30.07.1999~~
~~31.08.1999~~

Cheru Jacob Vincent,
Applicant.

Shri B. Ranganathan,
Advocate for
Applicant.

Versus

Union of India & Others,
Respondent(s)
Adv. for Respondent Nos. 1 to 3.

Shri V. G. Rege,
Shri M. I. Sethna alongwith
Shri V. D. Vadhavkar,
Advocate for
Respondent(s) Nos. 4 & 5.

CORAM:

Hon'ble Shri. Justice R. G. Vaidyanatha, Vice-Chairman.

Hon'ble Shri. B. N. Bahadur, Member (A).

(1) To be referred to the Reporter or not? *no*

(2) Whether it needs to be circulated to other Benches of the Tribunal? *no*

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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CENTRAL ADMINISTRATIVE TRIBUNAL

MUMBAI BENCH

ORIGINAL APPLICATION NO.: 1002/98.

Dated this Friday, the 30th day of ^{July} August, 1999.

CORAM : HON'BLE SHRI JUSTICE R. G. VAIDYANATHA,
VICE-CHAIRMAN.

HON'BLE SHRI B. N. BAHADUR, MEMBER (A).

Cheru Jacob Vincent,
Lower Division Clerk,
Working in the Office of
Custodian of Enemy Property
for India,
Ministry of Commerce,
Government of India,
Kaiser-I-Hind Building,
Ballard Estate,
Mumbai - 400 038.

... Applicant

(By Advocate Shri B. Ranganathan)

VERSUS

1. Union Of India through
The Regional Director,
Staff Selection Commission,
Government of India,
Ministry of Personnel,
Public Grievances and Pension,
Army & Navy Building, 2nd Floor,
M. G. Road, Fort,
Mumbai - 400 001.
2. The Chairman,
Staff Selection Commission,
Government of India,
Department of Personnel &
Training,
Ministry of Personnel,
Public Grievances & Pension,
Block No. 12, Kendriya Karyalay
Parisar, Lodhi Road,
New Delhi - 110 003.

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3. The Secretary,
Department of Personnel &
Training,
Ministry of Personnel,
Public Grievances & Pensions,
North Block, New Delhi.
4. The Chairman,
Central Board of Direct Taxes,
North Block,
New Delhi - 110 001.
5. The Chief Commissioner of
Central Excise,
New Central Excise Building,
115, M. K. Road,
Churchgate,
Mumbai - 400 020. Respondents.

(By Advocate Shri V. G. Rege for
Respondent Nos. 1 to 3.

By Advocate Shri M. I. Sethna alongwith
Shri V. D. Vadhavkar for Respondent
Nos. 4 and 5).

ORDER (ORAL)

PER.: SHRI R. G. VAIDYANATHA, VICE-CHAIRMAN.

This is an application filed by the applicant for a direction to the respondents to appoint him to the post of Inspector of Central Excise and for other consequential reliefs. The respondents have filed a short reply opposing admission of the application.

2. The applicant was one of the candidate~~s~~ who appeared in the examination conducted by the Staff Selection Commission for recruiting candidates for the post of Inspector of Central Excise/Income-Tax in 1993. The applicant has been working as Lower Division Clerk in the office of the Custodian of Enemy Property of India, Ministry of Commerce. Admittedly, the applicant

was beyond the age limit given in the notification. Therefore, he sought extension of age limited by three years as provided under 4(e) of the notification. That sub-clause provided that candidates who are in Government service, are entitled to age relaxation of not less than three years, ^{which} ~~who~~ has a nexus with the service for the post for which the advertisement was issued. It appears, the applicant appeared in the examination and he was provisionally selected. Subsequently, the Staff Selection Commission issued a letter dated 11.10.1995 informing the applicant that he does not fulfill the eligibility criteria for age relaxation under para 4 (e) of the notification issued for the recruitment of Inspector of Central Excise and Income-Tax, etc. 1993. It is clearly mentioned in this letter that the applicant's service in the present organisation has no nexus with the service for the post for which examination is held. Being aggrieved by this order dated 11.10.1995, the applicant made one more representation to the same authority, who again rejected the same by letter dated 01.10.1996 and further mentioning that no further correspondence will be entertained. In spite of this, the applicant appears to have made two three representations and finally he has come up with the present representation filed on 07.08.1998.

The respondents have filed a short reply opposing the application mainly on the ground of limitation, delay and laches.

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3. After hearing both sides, we find that by a specific order the Staff Selection Committee informed the applicant that his application for appointment cannot be entertained and his age relaxation cannot be granted since there is no nexus between his prior service and the service required for the post for which advertisement was issued. In spite of the specific letter dated 11.10.1995, the applicant did not take up any legal step to challenge the same according to law. He made one more representation which was again rejected by letter dated 01.10.1996 and they had further advised the applicant that no further correspondence will be entertained. But the applicant made two three representation and then ultimately filed the present O.A.

We are concerned with the recruitment to the concerned post which was held in pursuance of the examination in 1993. The final result of the examination was published in 1993 and now we are in 1999. A matter like this cannot be kept hanging on for years together. If the applicant was aggrieved by the action of the administration in informing him that he is not entitled to age relaxation by order dated 11.10.1995, he should have taken necessary legal steps but he kept quiet. Mere sending repeated representation, as is pointed out by the Supreme Court in the recent judgement reported in 1996 SCC (L&S) 205 { Administrator of Union Territory of Daman & Diu & Others V/s. R. D. Valand }, running of limitation cannot be arrested or saved. In the circumstances of the case, we are inclined to hold that

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the application is barred by limitation, delay and laches and hence cannot be entertained. Hence we are not expressing any view on the merits of the rival contentions.

5. In the result, the application is rejected at the admission stage. No costs.

B. N. Bahadur
(B. N. BAHADUR)
MEMBER (A).

R. G. Vaidyanatha
(R. G. VAIDYANATHA)
VICE-CHAIRMAN.

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