

ANNEXURE - I

List of Papers in Original Application No.

108/92

Sl. No. of Papers.	Date of Papers Or Date of Filing.	Description of Papers.
		Part I
	19-3-92	Original Judgement
		O.A. & Material Papers.
		Counter
		Reply Counter

PART - I, PART - II, PART - III  
Destroyed.

23/3/99.

OA 108/92

Date	Office Note	Orders
11.3.92		When the case was called there was no representation from the either side. List the case for admission hearing on 18-3-92.  R (HRS) M(A)
18.3.1992		<p><u>18.3.1992</u></p> <p><u>M.A.No.328/92</u></p> <p>Mr. N.Rama Mohan Rao, learned counsel for the applicant and Mr. G.Parameswara Rao, Learned Additional Standing Counsel for the respondents, are present and are heard.</p> <p>This OA 108/92 is listed today for admission hearing. Mr. N.Ramamohan Rao has moved MA 328/92 "to direct the respondents to consider grant of relaxation of upper age limit by a day in the case of the applicant and consequently allow the applicant to join duty as Lower Division Clerk in the office of the 2nd respondent, and pass such other orders as are deemed fit and proper in the circumstances of the case". After hearing both the sides, we are of the opinion that the interests of justice would be better served if the M.A. 328/92 is treated as an amendment petition and the said amendment petition is allowed with a direction to incorporate the prayer in this MA as an additional prayer in this OA 108/92. Hence, we accordingly allow the MA 328/92 and direct the applicant to</p> <p>contd....</p>

(P.T.O.)

Date	Office Note	Orders
		<p>incorporate the prayer in this MA as an additional <u>prayer</u> in the OA. The said amendment <sup>should</sup> be carried out today itself. After the said amendment is carried out, list this OA 108/92 for orders tomorrow <sup>on</sup> 19.3.1992.</p> <p><i>N</i></p> <p>HRBS M(A)</p>
18/3/92	<p>EB + D EB → FB amended <i>EB</i></p>	<p><i>T. C. M</i></p> <p>HTCSR M(J)</p>
19-3-92		<p>OA is disposed of with no order as to costs. Vide the orders on separate sheets.</p> <p><i>N</i> (HRBS) M(A)</p> <p><i>T. C. M</i> (HTCSR) M(J)</p>

# Central Administrative Tribunal

HYDERABAD BENCH

O.A. No./T.A. No.

108/ 1992

K. Pandiah

Versus

Applicant (s)

Central Provident Fund Commission, N. Delhi & auth. Respondent (s)

Date	Office Note	Orders
12-2-92		<p>Mr. Appa Rao for Mr. N. Ramamohan Rao, Advocate for the applicant and Mr. G. Parameswara Rao, Advocate for the respondents are present. Mr. G. Parameswara Rao takes notice of this OA on behalf of the respondents. At the request of both sides list this OA for admission hearing on 18-2-92.</p> <p>T - C - N - (HTCSR) M(J)</p>
18-2-92		<p>Sri N. Ram Mohan Rao, learned counsel for the applicant and Sri G. Parameshwar Rao, learned counsel for the Respondents are present and heard. Respondents have filed counter. Learned counsel for the Respondents seeks short adjournment to produce the <del>same</del> relevant records before the court. Hence list the O.A. on 21-2-92 for orders.</p> <p>T - C - N - (HTCSR) M(J)</p>
21.2.92		<p>Mr. Appa Rao for Mr. N. Ramamohan Rao, Advocate for the applicant and Mr. G. Parameswara Rao, Advocate for the respondents are present. At the request of Mr. Appa Rao adjourned to 26.2.92.</p> <p>T - C - N - (HTCSR) M(J)</p>
26-2-92		<p>At the request of Sri Subbarao, Advocate for Sri N. Ram Mohan Rao, learned counsel for the applicant,</p> <p>(P.T.O.)</p>

OA 108/92

(2)

Date	Office Note	Orders
		list the case on 28-2-92. Shri G. Parameswara Rao, learned counsel for the respondents present
28-2-92		<div style="display: flex; justify-content: space-around; align-items: center;"> <span>(RBS)</span> <span>(TCR)</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>M(A)</span> <span>M(S)</span> </div> <p>Shri Sanghi states that they have filed an MA for amending the prayer. Hence list this OA as well as MA on 4-3-92 for admission hearing.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>2</span> <span>1. n. f.</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>(HRBS)</span> <span>(HTCSR)</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>M(A)</span> <span>M(S)</span> </div>
4-3-92		<p>At the request of Sri Subba Rao, Advocate on behalf of Sri N. Rao Mahan Rao, counsel for the applicant, list the case on 9-3-92.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>2</span> <span>1. n. f.</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>(RBS)</span> <span>(TCR)</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>M(A)</span> <span>M(J)</span> </div>
9-3-92		<p>when the case was called there was no representation from the Applicant side. Shri G. Parameswara Rao, counsel for the respondents present. List this case for admin hearing on 11-3-92.</p> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>2</span> <span>1. n. f.</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>(HRBS)</span> <span>(HTCSR)</span> </div> <div style="display: flex; justify-content: space-around; align-items: center;"> <span>M(A)</span> <span>M(S)</span> </div>

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# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 108/92

Date of Decision : 19.3.1992

~~TXN No.~~

K.Pandaiah

Petitioner.

Sri N.Ramamohana Rao

Advocate for the  
petitioner (s)

Versus

The Central Provident Fund Commissioner, New Delhi & anor. Respondent.

Sri G.Parameshwara Rao,

Advocate for the  
Respondent (s)

**CORAM :**

**THE HON'BLE MR. R. BALASUBRAMANIAN, MEMBER (ADMN.)**

**THE HON'BLE MR. T. CHANDRASEKHAR REDDY, MEMBER (JUDL.)**

1. Whether Reporters of local papers may be allowed to see the Judgement? *yes*
2. To be referred to the Reporter or not? *yes*
3. Whether their Lordships wish to see the fair copy of the Judgment?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

HRBS  
M (A)

HTCR  
M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::AT HYD.

O.A.No.108/92.

Date of order: 19.3.92.

Between:

K. Pandaiah .. . . . . Applicant

Vs.

1. The Central Provident Fund Commissioner,  
New Delhi.

2. The Regional Provident Fund Commissioner,  
A.P.Barkatpura, Hyderabad. . . . . Respondents

For the applicant : Sri N.Ramamohana Rao, Advocate.

For the respondents : Sri G.Parameshwara Rao, Advocate.

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI T. CHANDRASEKHAR REDDY, MEMBER (JUDL.)

XORDER OF THE BENCH AS PER HON'BLE SRI R.BALASUBRAMANIAN, M(A) X

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This application is filed by Sri K.Pandaiah under sec.19 of the Administrative Tribunals Act seeking a direction among other things to the respondents to consider grant of relaxation of upper age limit by one day in the case of the applicant and consequently allow the applicant to join duty as Lower Division Clerk in the office of the 2nd respondent.

2. The applicant whose date of birth is 15.6.1965 was sponsored by the Employment Exchange to the respondents to consider him for selection as Lower Division Clerk under the Regional Provident Fund Commissioner, Hyderabad. According to the notification of the respondents, the applicant should be between 18 years and 25 years of age as on 15.6.1990. The applicant was in the usual course called for a written and typewriting tests. The applicant

...2.

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II

succeeded in both the tests. He was offered the post of L.D.C. He was asked to report for duty on or before 11.3.91 with all the original records relating to the age, educational qualifications etc. The applicant reported for duty on 4.3.1991. While scrutinising the certificates it was found that the applicant was over-aged by a day and hence he was not taken on duty. Aggrieved by that the applicant has approached this Tribunal with this O.A.

3. The learned counsel for the applicant took us through a Certificate issued by the Survey of India where the applicant had worked earlier as Lower Division Clerk (A-3). It is seen that the applicant had worked almost continuously for about a year except for three intermittent breaks, the longest among them being 3 days. He also drew our attention to a notification by the Department of Employment and Training, Andhra Pradesh dt. 8.1.1981 which permits broken spells to be taken into account for considering the length of service. These put together entitles a discharged Government employee to an age account concession of 4 years, according to the Deptt. of Personnel O.M. dt. 17.3.1974 (R-3). At this stage the learned counsel for the respondents was at pains to point out that the applicant does not come within the meaning of a discharged Government employee (of the Survey of India) in as much as the discharge was not due to the reduction in the establishment. He also pointed out that the applicant did not have an unbroken spell of 120 days' service, <sup>as</sup> since the Andhra Pradesh Government notification of 8.1.1981 was not applicable to him.

4. We have examined all the aspects raised by the rival sides. Here is a case where the applicant has got almost a year of service with just three brief intermittent breaks. He is fully qualified for the job except for one hurdle being over-aged by just one day. As seen from the internal correspondence among the respondents shown to us by Sri G. Parameshwara Rao, learned counsel for respondents, the helpful administration had examined

the case of the applicant favourably, but are unable to get over the rule position. In a situation like this, where an otherwise fully qualified person like the applicant will miss a job opportunity by a ~~hair line~~ <sup>wager</sup> thin margin perhaps for all time to come (in future cases the over-age factor can still only <sup>be</sup> worse), we feel that our interference will be fully justified. We, therefore, direct the respondents to relax the upper age limit in this case by just one day and appoint the applicant to the post of L.D.C. It is, however, made clear that all benefits of appointment will accrue only from the date the applicant assumes charge of the duty. The respondents are directed to carry-out this order within a period of three months from the date of receipt of the order. The O.A. is disposed-of accordingly, <sup>at the admission stage itself</sup> with no order as to costs.

R. Balasubramanian

( R. BALASUBRAMANIAN )  
MEMBER (A)

T. Chandrasekhar Reddy

( T. CHANDRASEKHAR REDDY )  
MEMBER (J)

Date: 19th March, 1992.  
Dictated in open court.

Deputy Registrar (J)

523/3/92

grh/sd.

To

1. The Central Provident Fund Commissioner, New Delhi.
2. The Regional Provident Fund Commissioner,  
A.P. Barkatpura, Hyderabad.
3. One copy to Mr. N. Rammohan Rao, Advocate, CAT. Hyd.
4. One copy to Mr. G. Parameswara Rao, SC for AG. CAT. Hyd.
5. One copy to D.R(J)C. AtT. Hyd. Bench.
6. Copy to All Reporters as per standard list of CAT. Hyd.
7. One spare copy.

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AUG 23/3/92

TYPED BY  
CHECKED BY

COMPARED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. V.C.  
THE HON'BLE MR.R. BALASUBRAMANIAN : M(A)  
AND  
THE HON'BLE MR.T. CHANDRASEKHAR REDDY :  
M(JUDL)  
AND  
THE HON'BLE MR.C.J. ROY : MEMBER (JUDL)

DATED: 19 - 3 - 1992

ORDER/JUDGMENT:

R.A/C.A/ M.A.N.

in

O.A.N. 108/92

T.A.No.

(W.P.No. )

Admitted and interim directions  
issued.

Allowed

Disposed of with directions.

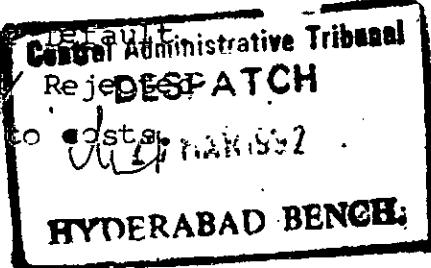
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered Reje~~DP~~ DESPATCH

No order as to costs.



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