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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. - 701/93.

Dt. of Decision : 05-11-96.

B.V. Subrahmanyam

..Applicant.

Vs

1. The Chairman,  
Railway Recruitment Board,  
IRISET COMPLEX,  
Lalaguda, Sec'bad-17.

2. The Asst. Secretary,  
Railway Recruitment Board,  
IRISET COMPLEX@, Lalaguda,  
Sec'bad.-17.

.. Respondents.

Counsel for the Applicant : r.K.V. Narasinha Murthy

Counsel for the Respondents : Mr. N.R. Devaraj, Sr.CGSC.

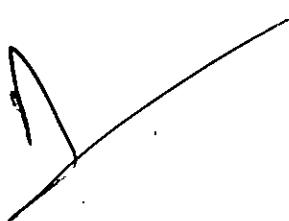
CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.Shastry for Mr.K.V.Narasimha Murthy, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. Employment notice No.1/93 was issued inviting applications for filling up some posts in South Central Railway by the Railway Recruitment Board, Secunderabad. This notification includes calling for applications for the post of Assistant Teacher (Telugu Medium) in the scale of pay of Rs.1200-2040/- (at Sl.No.10 of the employment notice), Telugu Pandit Gr-II in the same scale (at Sl.No.12 of the employment notice) and Telugu Pandit in the scale of pay of Rs.1400-2600/- (at Sl.No.17 of the employment notice). For all these posts minimum age prescribed is 18 years and the maximum age is 40 years. It is stated that the applicant applied for all the three posts separately. But his application for the post at Sl.No.10 and 12 was rejected on the ground that he ~~was~~ over aged <sup>as</sup> ~~to~~ his application for the post of Telugu Pandit in the grade of /-1400-2600/- was entertained. Even though his case for the other two posts ~~was~~ rejected the applicant was issued with a Hall ticket for ~~writing the~~ examination for the post of Telugu Pandit.

3. This OA is filed praying for a direction to the respondents to quash the rejection of the application of the applicant for the post at Sl.No.10 and 12, ~~hold~~ it as illegal, arbitrary, malicious, capricious and ~~expressed~~ for a consequential direction to entertain his ~~for~~ those posts also and ~~for~~ considering him for selection on that basis.

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4. The main contention of the respondents in this case is that the applicant's date of birth is 01-03-1953 and he has completed the 40 years of age as on 28-02-93. On the first of March 1993 on which date he should not be above the maximum age limit <sup>he</sup> was more than 40 years i.e., over aged ~~of~~ 40 years by one day. Hence the respondents contend that the rejection of the application for the posts at Sl.No.10 and 12 is in order. As regards admission of the application for the post at Sl.No.17 it is stated that inadvertently they ~~were~~ allowed his application and permitted ~~to~~ him to write the written examination. In any case the learned counsel for the respondents under instruction from his client to-day submits that the applicant had failed in the examination and hence the question of considering him for the posts at Sl.No. 17 also does not arise. The applicant is over aged by one day on 1-3-93 is not disputed. Hence, there is no doubt that the case of the applicant for consideration for the posts at Sl.No.10 and 12 ~~does not arise~~ <sup>cannot be considered</sup>. Hence the question of entertaining his application for those posts ~~does not arise~~ <sup>to be considered</sup>. He is not entitled <sup>even</sup> for the post at Sl.No.17 as he has failed in the written examination.

5. In that view the application lacks ~~of~~ <sup>2</sup> merits and it is liable to be dismissed.

6. In the result, the OA is dismissed. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER(JUDL.)  
S.1/50

  
(R. RANGARAJAN)  
MEMBER(ADMN.)

Dictated : The 05th Nov. - 1996.  
(Dictated in the Open Court)

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TYPED BY

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

R. Rangarajan M(A)  
THE HON'BLE MR. JUSTICE M.G. CHAUDHARI  
Vice Chairman

AND  
B.S. Jai Parameshwari  
THE HON'BLE MR. RAJENDRA PRASAD M(T)

Dated: 5 - 11 - 1996

ORDER/JUDGMENT

M.A/R.A./C.A.No.

in

O.A.No. 701/93

T.A.No.

(w.p.)

Admitted and Interim Directions  
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default

Ordered/Rejected.

No order as to costs.

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