

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 804 of 1993

DATE OF JUDGMENT: 10th August, 1993

BETWEEN:

Ms. M. Mamatha

..

Applicant

AND

1. The Regional Director,
Employees State Insurance Corporation,
Hyderabad-463.
2. The District Employment Officers,
Rangareddy District,
Hyderabad. ..

Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. D.P. Kali, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.R. Devaraj, Sr. OGSC for RR1
Mr. D. Panduranga Reddy, Spl. Counse
for the State of A.P. for RR2

CORAM:

Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman

Hon'ble Shri P.T. Thiruvengadam, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
Shri Justice V. Neeladri Rao, Vice Chairman

The 1st respondent had given a requisition to the 2nd respondent to sponsor names for the post of Lower Division Clerk. The grievance of the applicant is that though the names of some of her juniors were sponsored, her name was not sponsored. This OA was filed praying for a direction to the 2nd respondent to sponsor the name of the applicant to the 1st respondent for selection to the post of LDC.

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2. When this matter had come up for consideration for admission on 14.7.1993, we had given a direction to the 1st respondent to interview the applicant if she is going to report ^{to} him at 9.30 A.M. on 19.7.1993. We further added that if she is selected, the appointment order should not be issued until further orders.

3. It is submitted for the 1st respondent that in pursuance of the above interim order, the applicant reported and when she was required to produce the relevant documents, she produced them and on that basis it was found that the applicant is aged 29 years while the upper age limit for the post of LDC in the office of the 1st respondent is 25 years and hence the applicant is over-aged and hence she is not eligible for the post. But, it is further submitted that ~~the 1st respondent~~ in pursuance of the interim order dated 14.7.1993 in this OA, ~~max~~ a call letter was given to the applicant to appear for the interview on 12.8.1993. But when the applicant is over-aged, she cannot be considered for the post for which the requisition was given by the 1st respondent and it will be an exercise of futility if the applicant is interviewed. But the learned counsel for the applicant submitted that the age can be relaxed ~~as~~ if she is selected as envisaged in the Judgment of the Patna High Court reported in SLR 1984(1) Patna H.C. p.394, "Vijay Kumar Vs. State of Bihar (Patna)". But even the Judgment indicates that the question of relaxation of age arises for those who are working temporarily and if there is delay in initiation of recruitment process. But, ~~it is not to the~~ effect that the age relaxation is to be given for all direct

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recruits who are not working temporarily in the said office. If the contention for the applicant is accepted, it will be ~~xxxxx~~ virtually ^{as} the case of altering the upper age limit. The upper age limit is generally prescribed as per the recruitment rules. It is one of policy. It is not for the court to intervene in such matters. Hence, the ~~said~~ contention that it is open to the Tribunal to direct the 1st respondent to consider the relaxation of the age if the applicant is selected, is not tenable.

4. Accordingly, the OA is dismissed at the admission stage. No costs. We make it clear that, by this order, the ^{order} interim dated 14.7.1993 stands vacated.

(Dictated in the open Court).

P. J. Daigle

(P.T. THIRUVENGADAM)
Member (Admn.)

Neeladri
(V. NEELADRI RAO)
Vice Chairman

Dated: 10th August, 1993. Dy. Registrar(Judl.)

vsn

Copy to:-

1. The Regional Director, Employees State Insurance Corporation, Hyderabad-463.
2. The District Employment Officer, Rangareddy District, Hyd.
3. One copy to Sri. D.P.Kali, advocate, CAT, Hyd.
4. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd (R-1).
5. One copy to Sri. D.Panduranga Reddy, Spl. counsel for A.P. State, (R-2), CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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12/8/93

O.A. 804/93

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDESEKHAR REDDY
MEMBER(JUDL)

AND

THE HON'BLE MR.P.T.EIRUVENGADAM:M(A)

Dated: 10/8/1993

ORDER/JUDGMENT:

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

O.A.No.

in
804/93

T.A.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs

pvm

