

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

* * *

O.A.No. 1404/93

Dt. of Decision : 11.11.93

P.V.B.SARMA,

.. Applicant

Vs

The Union of India,
represented by the Secretary,
Railway Board,
Ministry of Railways,
New Delhi.

.. Respondent

Counsel for the Applicant : Mr. N. Rama Mohan Rao

Counsel for the Respondent : Mr. N.R.Devaraj
SC for Rlys.

CORAM:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAO : VICE CHAIRMAN

THE HON'BLE SHRI A. B. GORTHI : MEMBER (ADMN.)

..2

AI

JUDGMENT

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard the learned counsel for the applicant, Shri N.Ramamohan Rao and the learned senior standing counsel for the respondents, Shri N.R.Devaraj.

2. The applicant is working as Chief Commercial Manager (General), South Central Railway, Secunderabad. D.O.No.91/TC(RCT)/4/3, dated 14.5.1991 ^{lays down that} ~~requires~~ ^{have} eligible candidates to apply whenever a panel had to be prepared for likely vacancies of Vice Chairman (Technical) and Technical Members ~~as~~ in Railway Claims Tribunal. Notification dated 24.11.1992 was issued notifying a vacancy of Vice Chairman at ~~Chandigarh, Lucknow, Secunderabad, Gowhati, Delhi, Calcutta and Patna~~ Chandigarh, Lucknow, Secunderabad, Gowhati, Delhi, Calcutta and Patna and therein it was stated that such of the eligible candidates who had not exceeded 57 years as on 31.12.1992 have to apply. The applicant completed 57 years even in November 1992 and as such he was not eligible to apply.

Praying for a direction to the respondent to consider the case of the applicant for appointment as Vice Chairman (Technical) or as Member (Technical) against any of the vacancies existing in the Benches of the Railway Claims Tribunal without any regard to the fact that he had attained 57 years of age by 31.12.92 and forward the same for approval of the Cabinet before 30.11.1993 so as to enable the applicant to sever his employee relationship before his actual retirement.

3. It is urged for the applicant that when the period of ^{service} panel is fixed as five years or the date on which one ^{which ever is earlier} completes 62 years, there is no need to fix any cut off

2nd flg

5

contd....

.. 3 ..

date for satisfying the age limit of the applicants and hence all the ~~xxx~~ eligible candidates should be allowed to apply for before their retirement.

4. The selection for the post of Vice Chairman (Technical)/Member (Technical) of the Railway Claims Tribunal is being made from out of the candidates who volunteered for those posts. It is a time consuming ~~xxxxxx~~ process. It is felt that it will be in the interest of the institution if a candidate selected will be there for a full period of five years for it naturally takes considerable time for being acquainted with the nature of the work of the Tribunal and if he ~~xx~~ has to retire shortly after he gets himself familiar with the work, he will not be in a position to ~~.....~~ ~~.....~~ considerable period. With that Age, ~~reason~~ it is felt that one should be atleast below 57 years by the time he applies for the post. Hence, it cannot be stated that there is no nexus between the cut off date fixed for satisfaction of the age limit for filing application and the object that is sought to be achieved. Ofcourse, it cannot be stated that there is no force in the contention for the applicant that if the applications were called for ~~.....~~ ~~.....~~ waiting till all the vacancies are pooled up, the applicant would have a chance of applying in time. But when the applicant had already crossed 58 years and even if a direction is going to be given for consideration of his case, it will take a minimum of one year if not ~~now~~ ^{more} by the time the order of appointment is given, and then he may not have sufficient time to get himself acquainted with the work and to discharge his duties. ~~.....~~ ~~.....~~ ~~.....~~

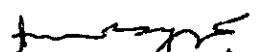
contd....

APB

... 4 ...

where a direction has to be given even assuming that some of the vacancies existed long prior to November 1992 in which case the applicant would have an opportunity of applying for ~~time~~ in time.

5. For the reasons stated above, the OA is dismissed at the admission stage. No costs.


(A.B.GORTHI)
MEMBER (ADMN.)


(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 11th November, 1993.

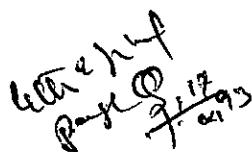

Deputy Registrar (O)

vsn

To

1. The Secretary, Union of India,
Railway Board, Min.of Rlys, New Delhi
2. One copy to Mr.N.Rammohan Rao, Advocate, CAT.Hyd.
3. One copy to Mr.N.R.Devraj, SC for Rlys. CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm


With a H.P.
Post Q 17/11/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

THE HON'BLE MR.T.GHANDRASEKHAR REDDY
MEMBER(J)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 11 - 11 - 1993

ORDER/JUDGMENT:

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

O.A.No. 1404/93

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

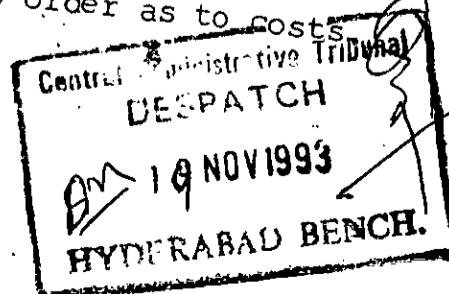
Disposed of with directions.
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs



pvm