

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

HYDERABAD

OA No. 357/93

Date of judgement: 30-4-93.

Between

Shri D. Srinivasulu : Applicant

And

1. The Collector, Central Excise,
Guntur-522 004.
2. The Collector, Central Excise,
Hyderabad.
3. The District Employment Officer,
Eluru. : Respondents

COUNSEL FOR THE APPLICANT : Shri K. Govind

COUNSEL FOR THE RESPONDENTS : Shri N.R. Deva Raj.

CORAM

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

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

(Judgement of the divn. bench delivered by Justice
Shri V. Neeladri Rao, Vice-Chairman)

Heard Shri K. Govind, learned counsel for
the applicant and Shri N.R. Deva Raj, learned counsel
for the respondents.

This OA was filed praying for a declaration
that action of the respondents in fixing the upper age
limit of 25 years is violative of articles 14 & 16 of
the ^{and} constitution of India to direct the Respondent 3 to

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sponsor the name of the applicant for the post of Data Entry Operator in the office of Respondent 1 and for declaration that the applicant is eligible for the post of Data Entry operator and to direct the Respondent 1 to consider the case of the applicant for the post of Data Entry Operator.

give rise to
 The facts which ~~are raised~~ in this OA are
 briefly as under:

Respondent 1 has given requisition to Respondent 3 to sponsor candidates for the post of Data Entry Operator at the ratio ~~of 1 for 5~~ ^{of 1 for 6} one each of the 5 posts out of which 1 is reserved for SC. Accordingly, as per the requisition, the age limit which was prescribed is 18 to 25 years as on 31-1-93 and it was relaxable upto 45 years in respect of SC/ST candidates and upto 40 years in respect of Government servants. The technical qualification which is required is ^{is a speed of} 8000 key depressions per hour for Data Entry work.

In pursuance of the said requisition, Respondent 3 sponsored the names of 25 from open category and all of them were within the age group of 18 to 25 years as on 31-1-93. As the applicant was aged 27 years as on 31-1-93 and he was over aged, his name was not sent, according to the applicant.

Two contentions that were raised for the applicant are

(1) There is ~~xx~~ discrimination in fixing the upper age limit as 25 years in regard to the Data Entry Operators while the upper age limit for Civil Services is 28 years.

(2) There is also discrimination as the age relaxation of 40 years is given in regard to the Government employee, While the same benefit is not extended to OC candidates

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even when they work in Government institutions for short spells.

The age limits in regard to each category of posts will be fixed depending upon the qualifications prescribed, experience ~~they have~~ ^{Required} and other relevant factors. The Civil services cannot be compared to the posts of Data Entry Operator. High academic qualifications are required for the post of Civil Services and it is also highly competitive. The same cannot be stated in regard to Data Entry Operators. As such, it is to be held that there is reasonable classification in fixing different age limits for entry into service, In regard to Civil Services vis-a-vis the post of Data Entry Operator and there is nexus between classification and the objective to be achieved. Hence the first contention cannot be accepted.

Of course, we look into column. in regard to age alone, which does indicate that all Government employees are eligible to apply to the post of Data Entry Operator. But one of the technical qualifications prescribed is the speed of not less than 8000 key depressions per hour for Data Entry Operator. It only means that such of the Government employees who satisfy the said qualification alone can be considered for this post. A person who is having sufficient experience in Government service with the above qualification can be naturally preferred to a candidate who merely possesses the said qualification without any experience. If in the interest of the institution, the concerned authority feels that it is desirable to have experienced persons with the requisite qualification ^{and if} that in order to achieve the goal, some relaxation ^{in regard to} is given to the age, the same cannot be held as violative of article 14 of the Constitution. Article 14 permits reasonable classification. Of course, the only limit is as to whether there is any nexus between the classi-

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in having that classification. fication and the objective it is intended to be achieved. In view of the facts under consideration, such it cannot be stated that there was no nexus. The learned counsel for the applicant has referred to Vol.9 (96) (Viswanathan versus State of Mysore & Others) it was held that the employees who have served the local authority of the Corporation owned or controlled by the Government can be reasonably classified as a separate class from those who do not belong to the above categories for the purpose of age relaxation in regard to various posts. But the subsequent classification between local and non-local and ~~from among~~ in regard to those who have served in Government, local authority etc. was held to be violative of no affects article 14 as there is nexus between classification and the objective for which that classification was made. Thus even ^{if} above judgement does not support the contention for the applicant. It is ^{further} held to be stated that even on the basis of facts, this OA does not merit consideration. All the candidates who were sponsored by the employment Exchange are within the age group of 18 to 25 as prescribed, and if at all the age relaxation is regard to Government employees is ^{to} going to be challenged it is only those who are within the age group of 18 to 25 that can challenge. In the result, the OA is dismissed at the admission stage itself with no costs.

P.T. Thiruvengadam

(P.T. Thiruvengadam)
Member (Admn.)

V. Neeladri Rao

Vice-Chairman

S/105/93
Deputy Registrar (J)

To

1. The Collector, Central Excise, Guntur-4.
2. The Collector, Central Excise, Hyderabad
3. The District Employment Officer, Eluru
4. One copy to Mr. K. Govind, Advocate, 3-4-835/2, Barkatpura, Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. Copy to Library, CAT. Hyd.
7. One spare copy.

MSD
10/5/93
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

AND *P.T.Trivender*
THE HON'BLE MR.K.BALASUBRAMANIAN :
MEMBER (ALMN)

AND
THE HON'BLE MR.T.CHANDRASEKHAR
REDDY : MEMBER (JULN)

DATED: 30-4-1993

ORDER/JUDGMENT

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

in

O.A.No. 357/93

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

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions
Dismissed as withdrawn.

Dismissed

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

