

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.909/94

Date of Order : 6.5.97

BETWEEN :

1. K.Sudhakar
2. J.Naga Srinivas Rao
3. K.Kiran
4. G.M.Mallikarjuna Swamy

.. Applicants.

AND

1. Under the Secretary to Govt.  
of India, Dept. of Personnel,  
Public Grievances, New Delhi.
2. Staff Selection Commission,  
rep. by its chairman,  
Govt. of India, New Delhi.
3. Regional Director (SR)  
Staff Selection Commission,  
EVK Sampath Buildings,  
II Floor, College Road,  
Madras.

.. Respondents.

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Counsel for the Applicants

.. Mr.L.Prabhakar Reddy

Counsel for the Respondents

.. Mr.K.Bhaskara Rao

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CORAM:

HON'BLE SHRI R.RANGAKAJAN : MEMBER (ADMN.)

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

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J U D G E M E N T

X Oral order as per Hon'ble Shri B.S. Jai Parameshwar, M(J) X

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None for the applicant. Heard Mr.K.Bhsakara Rao,  
learned standing counsel for the respondents. We are  
deciding this OA on the basis of the material placed on  
record in accordance with Rule 15 of CAT (Procedure) Rules  
1987.

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2. The applicants are un-employed persons. They ~~fully~~<sup>are</sup> aggrieved by the notification issued by the Staff Selection Commission for recruitment to the post of Inspectors to the Central Excise, Income-Tax issued in the Employment News 2-8 July 1984. In that ~~there is~~ no age relaxation is given to the other backward community candidates for recruitment to that post.
3. Hence they have filed this OA praying for a direction to the respondents to extend age relaxation of 5 years and consider their candidature for the selection of posts as per notification no.3/5/94 P & P notified in the Employment News dt. 2-8/7/94 and consequently to direct the respondents to take all the possible steps for extending the benefit of reservation including the age relaxation in accordance with Article 16 (4) of Constitution of India.
4. On 29.7.94 an interim order was passed directing that if the applications of the applicants are received in time, the applications of such of the applicants who are OBCs should not be rejected merely on the ground that they crossed 25 years of age by cut off date and they are not cross<sup>ed</sup> 30 years by then, but their results should not be published until further orders.
5. Reply has been filed stating that the applicants are not entitled to raise the issue of age relaxation for the recruitment examination conducted by R-2 and 3 on the ground that they are the members of OBCs as any concessions in any form to be extended to the members of OBC <sup>is</sup> as a matter of policy for the government to consider. They rely upon the observations made by Supreme Court of India in the case of Rajinder Kumar Bhatti and others vs. UPSC and another, Wherein the Hon'ble Court observed as under:-

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"Whether any concessions in any form are to be extended to the Backward Classes is a matter of policy for the Government to consider. This Court cannot go into this question. The Special Leave Petition is dismissed".

They also relied upon the decision of the Principal Bench of this Tribunal in the case of Shri Jayaram Vs. Union of India and other. In a similar case that the remedy of the applicant's if any is with the Central Government and the Tribunal cannot entertain the petition. Further they relied upon the decision in OA.131/94 of this Bench which was disposed of with the similar direction.

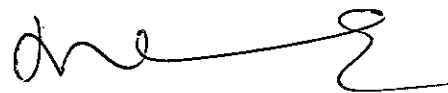
6. No rejoinder has been filed in this OA. The applicants have not produced any rule indicating the policy decision of the Government of India for relaxation of age for OBCs for ~~the~~ competent examination especially in the present case. In view of the above we are left with no other alternate<sup>ive</sup> except to accept the submission of the respondents in this case as indicated above.

7. That there are no policy decisions to relax the age to OBC for this particular recruitment, the applicant cannot demand the age relaxation as a matter of right.

8. In view of what is stated above we find no merit in this OA. Hence this OA is dismissed. No costs.

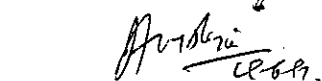
  
( B.S. JAI PARAMESHWAR )  
Member (Judl.)

6.59

  
( R. RANGARAJAN )  
Member (Admn.)

Dated: 6th May, 1997

( Dictated in Open Court )

  
Dy. Registrar (3)

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## Copy to:-

1. The Under Secretary to Govt of India, Dept. of Personnel, Public Grievance, New Delhi.
2. The Chairman, Staff Selection Commission, Govt. of India, New Delhi.
3. Regional Director(SR) Staff Selection Commission, EVK Sampath Buildings, IInd floor, College road, Madras.
4. One copy to Sri. L. Prabhakar Reddy, advocate, CAT, Hyd.
5. One copy to Sri. K. Bhaskara Rao, Addl. CGSC, CAT, Hyd.
6. One copy to Hon'ble Mr. B.S. Jai Parameswar, JM, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

28/7/97

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TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M  
(J)

DATED: 6/5/97

ORDER/JUDGEMENT

M.A./R.A/C.A.NO.

D.A.NO.

in  
909/97

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II Court.

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| केन्द्रीय प्रशासनिक अधिकरण<br>Central Administrative Tribunal<br>अपेक्षा/DESPATCH<br>- 4 JUL 1997<br>हैदराबाद न्यायपीठ<br>HYDERABAD BENCH |
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