

(32)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 637/95.

DATE OF JUDGMENT: 20-9-95.

BETWEEN:

T. Nagaraju

.. Applicant.

Vs

1. The Government of India
represented by Secretary,
Department of Personnel & Training,
Central Secretariat,
New Delhi.

2. The Union Public Service Commission,
rep. by Under Secretary,
Dhampur House,
Shahjahan Road,
New Delhi.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI P. Naveen Rao

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj,
Sr./Asst. CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

(2)

O.A.NO.637/95.

JUDGMENT

Dt: 20.9.95

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

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

②. The applicant who is BC filed this OA praying for declaration that the action of the Government of India in giving effect to the policy decision of extending reservations and concessions to OBCs for the purpose of securing employment in Government service by giving relaxation of 3 years prospectively only i.e., from the date the policy decision which was taken in January 1995 without extending the same to OBCs who had become over-aged between 1990 and 1995 and the consequential decision of UPSC contained in the impugned proceedings No.CS(P)/Roll No.246351/95/E-XIV, dated 15.4.1995 in rejecting the candidature of the applicant for the Civil Services (Preliminary) Examination, 1995 is highly arbitrary, discriminatory, and against principles of natural justice and fair play and for consequential direction to the respondents to consider the candidature of the applicant for the Civil Services (Preliminary) Examination, 1995 without reference to his present age with ~~xxx~~ consequential benefits.

3. It is not in controversy that the applicant was aged more than 31 years i.e., maximum age prescribed for OBCs as per the policy decision taken in January 1995, by

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contd....

Argu

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To

1. The Secretary, Dept.of Personnel and Training,
Govt.of India, Central Secretariat, New Delhi.
2. The Secretary, U.P.S.C. Dholpur House,
Shajahan Road, New Delhi.
3. One copy to Mr.P.Naveen Rao, Advocate, CAT.Hyd.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

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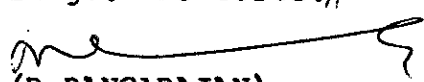
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the cut off date prescribed for the Civil Services (Preliminary) Examination, 1995.

4. The contention of the applicant is that relaxation of 3 years has to be given in regard to OBCs from 7.8.1990, the date of the OM whereby provision for reservation is made in regard to OBCs. The Apex Court held by the order dated 9.5.1994 in SLP N. 7999/94 that it is not for the Courts/Tribunal to give direction to the Government in regard to the policy decisions. The provision in regard to relaxation of the maximum age for OBCs appearing for Civil Services (Preliminary) Examination is in the nature of concession and thus a policy decision. Hence, we feel that it is not open to this Tribunal to give direction to the Government permitting OBCs who attained the maximum age of 31 years between 1990 and 1995 to appear for Civil Services (Preliminary) Examination, 1995 as one time measure, for it is one of policy.

5. We elaborated this matter in OA 131/94 and batch wherein the judgment was delivered on 8.9.1994. For the reasons stated therein, we hold that it is not open to this Tribunal to give direction in regard to the relief sought which can be granted only by way of policy decision.

6. Accordingly this OA is dismissed at the admission stage. No costs.//


(R. RANGARAJAN)
MEMBER (ADMN.)


(V. NEELADRI RAGHAV)
VICE CHAIRMAN

DATED: 20th September, 1995.
Open court dictation.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 20-9-1995

ORDER/JUDGMENT

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

in

O.A.No.

637/95

T.A.No.

(W.P.No.

)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed at the admission stage.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

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