

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.820 of 1995

Between:

S.Madhavi Latha Applicant

and

The Staff Selection Commission, Respondent
Southern Region,
MADRAS.

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENT

I, E.DASARATHAN, Son of late Shri N.ELLAPPAN, aged about 39 years, holding office as the Deputy Director, Southern Regional Office of the Staff Selection Commission, Madras do hereby solemnly affirm and sincerely state on oath as follows:

1. I am the responsible officer in the office of the Respondent herein and as such I am well acquainted with the facts of the case from the records.

2. I have read the copy of the above-mentioned original application and submit that there are no valid or reasonable grounds in the O.A. The various averments made in the O.A. are hereby denied, save those that have been specifically admitted herein under. The applicant is put to strict proof of such averments that have not been traversed herein under.

3. The averments in paragraphs 1 to 5 need not be replied to as they are formal and procedural in nature.

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ASSISTANT DIRECTOR,
Staff Selection Commission
MADRAS.


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Deputy Director
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4. In respect of the averments in para No.6, it is submitted that as per the Commission's advertisement for the recruitment to the posts of Inspectors of Central Excise, Income-Tax, etc. Examination, 1993 the normal age limits (lower and upper) are 18 to 25 years on the prescribed crucial date viz 01-08-93. However, relaxation of upper age limit was permissible for certain categories of persons specified in the said advertisement. As per para 4(e) of the above-mentioned advertisement, the upper age limit is relaxable upto the age of 40 years to the departmental candidates who have rendered not less than 3 years continuous and regular service as on 09-08-93 provided they are working in posts which are in the same line or allied cadres and where a relationship could be established (i.e. fulfilling the nexus) that the service rendered in the department will be useful for the efficient discharge of duties of the posts for which the recruitment is being made by this examination in terms of extant orders of Government in this regard. Both the conditions viz., fulfilling the nexus as well as being in the same or allied cadres are vital for the purpose of determining whether a candidate claiming age relaxation under this clause is eligible for such relaxation or not. In the present case, the applicant was working as an Auditor in one of the wings of the Indian Audit and Accounts Department. She was provisionally admitted to the written examination and interview for the above recruitment pending a detailed examination of her job

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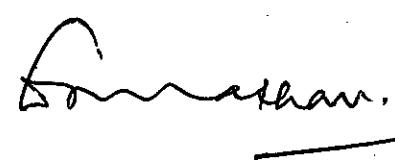


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responsibilities to consider her claim to be treated as a "Departmental Candidate" for age relaxation under para 4(e) of the notification for the above examination. As per the averment of the applicant she was working as an Auditor in one of the wings of the Indian Audit and Accounts Department. As per para 23 of the advertisement relating to this recruitment a candidate must, before submitting his application, satisfy himself that he fulfills all eligibility conditions, since the Staff Selection Commission does not undertake any scrutiny of the applications before the written examination, and all applicants are allowed to appear at the examination on a purely provisional basis subject to their eligibility being verified after the examination. Merely because a candidate has been allowed to appear at the examination will not be considered as a ground for his being admitted finally to the examination. Accordingly the applicant was allowed to appear for the Written examination as well as the personality test strictly on a provisional basis subject to a decision to be taken by the Commission in regard to her claim for age relaxation under para 4(e) of the notification. After the personality test was over, in order to decide whether a relationship (i.e. nexus) could be established between the posts for which the applicant was a candidate and the post presently held by her viz., Auditor in the Indian Audit and Accounts Department, the case of the applicant was considered taking into account the job responsibilities in the post presently held by

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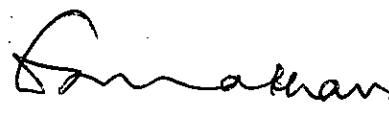

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her. The Commission also examined the question as to whether the service rendered by her as an Auditor would be useful for the efficient discharge of duties attached to the posts of Inspectors of Central Excise, Income-Tax, etc., for which the above-mentioned recruitment was conducted. The Commission considered the nature of duties and job responsibilities of the applicant in the post of Auditor in the Indian Audit and Accounts Department. The question of nexus has to be decided with reference to the nature of duties and responsibilities attached to the post of Auditor vis-a-vis the posts for which the above-mentioned recruitment was conducted. After considering the nature of duties and job responsibilities of the applicant, the Commission decided that nexus could not be established between posts of Auditors in the Indian Audit and Accounts Department and the posts for which recruitment was being made through the said examination Viz., the posts of Inspectors of Central Excise, Income-Tax, etc., Hence, her candidature for the above recruitment was cancelled as she was otherwise overaged. Thus, there is neither any illegality nor any arbitrariness in the cancellation of the candidature of the applicant. The decision about non-existence of nexus was arrived at by the Commission after duly taking into account the nature of duties and job responsibilities of the applicant in the post of Auditor. The contention of the applicant that the rule relating to

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nexus applies to her as she fulfills the condition of belonging to a Group C Non-technical cadre having nexus with the posts for which the recruitment was being made, is not correct.

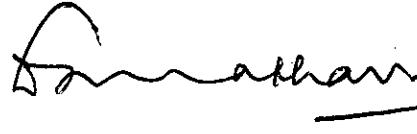
5. As regards the averments in para 6 (ii), it is submitted that it is only with the objective of examining the applications of those candidates who claim age concession under para 4(e) of the notification and to reject the candidature of those candidates who do not fulfill the requirements for claiming age relaxation as departmental candidates a Note was added in the notice for recruitment of Inspectors of Central Excise, Income-Tax, etc., for the year 1995 requiring such candidates to submit a list of duties performed by them in the present post, duly certified by their officer. It is well within the competence of the Commission to add a Note to this effect and the applicant cannot contend that her case is to be decided otherwise in the absence of a Note to this effect in the notice for the recruitment of 1993. It is also submitted that the Commission is fully competent to take a decision as to whether the condition of "nexus" is satisfied in any particular case, or not.

6. In reply to the averments in para 6 (iii), it is submitted that the question of nexus has to be decided with reference to the post which the candidate was holding on a regular and continuous basis during the period of 3 years ending on 09/08/1993 as per para 4(e)

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of the Commission's advertisement relating to the Recruitment of Inspectors of Central Excise, Income -Tax etc., exam., 1993. The Applicant's subsequent appointment to the post of Section Officer has no relevance to the present case.

7. In respect of the averments in para 6 (iv), it is submitted that the Applicant's candidature pertains to the examination for the year 1993 and hence she cannot compare herself with the candidates selected on the basis of previous year's examination (i.e. for the year 1992). She cannot have any ground for grievance unless a similarly-placed candidate had been appointed as an Inspector of Excise, etc., on the basis of the 1993 Examination.

8. The averments in paragraphs 7 and 8 need no comments.

9. In view of the submissions made above, it is prayed that the application be dismissed as the applicant does not fulfill the requirement of the condition of nexus for claiming age relaxation as a Departmental candidate on the basis of her duties and job responsibilities in the post held by her during the period of 3 years ending 09/08/1993.

Attested.


E. Dasarathan

DEPONENT

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Deputy Director
Staff Selection Commission
College Road Madras-6


G. VIJAYARAGHAVAN
ASSISTANT DIRECTOR,
Staff Selection Commission
MADRAS.

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VERIFICATION

I, E.Dasarathan, Son of Late Shri N.Ellappan, aged about 39 years do hereby verify that the contents in the above paras are true to my personal knowledge and according to the legal advice of my counsel and that I have not suppressed any material facts.

HYDERABAD.

DATED : 9th November, 1995.

Attested.

Dasarathan

DEPONENT

E. DASARATHAN

Deputy Director
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