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THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1439/95

Date of Order: 27-11-95

Between:

V.V.S.Ramavatharam.

... Applicant

and

1. Director of Staff Selection Commission,
Block No.12, CGO Complex, Lodi Road,
New Delhi-3.
2. The Regional Director(W.R.)
Staff Selection Commission
Army & Navy Building, II Floor, M.G.Road,
Kalaghoda, Bombay-1.

Respondents.

For the Applicant :- Mr. Ch.C.Krishna Reddy, Advocate.

For the Respondents: Mr. N.R.Devraj,
Sr./~~Adv.~~ CGSC

CORAM:

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

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

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O.A.NO.1439/95.

INTERIM ORDERS

Dt: 27.11.95

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

Heard Shri Ch.C.Krishna Reddy, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. Notice before admission. List the OA on 19.1.1996, for reply in the meanwhile.

3. In pursuance of the notification No.3/3/95-P&P published in Employment News 3-9 June 1995, the applicant who is now working as Tax Assistant, Income Tax Department applied in time for the recruitment to the post of Inspector of Central Excise, Income Tax etc., 1995. He is aged more than 25 years but below 40 years. He sought relaxation of the upper age limit upto the age of 40 years as per Para 4(e) ~~maximum~~ of the notification. The relevant portion of Para 4(e) ~~maximum~~ is as under:-

"Upper age limit is relaxable upto the age of 40 years (45 years for Scheduled Caste/Scheduled Tribe candidates) to the departmental candidates who have rendered not less than 3 years continuous and regular service as on 29.6.95 provided they

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are working in posts which are in the same line or allied cadres and where a relationship could be established that the service rendered in the department will be useful for the efficient discharge of duties of posts for which the recruitment is being made by this examination in terms of DP&AR's OM No.4/4/79-Estt(D) dated 20.7.76 & DP&T's OM No.35014/4/79-Estt(D) dated ~~24.10.85~~ 24.10.85, OM No.15034/3/87-Estt(D) dated 7.10.87 and OM NO.15012/1/88-Estt(D) dated 20.5.1988.

All Group 'C' non-technical employees with three years continuous and regular service (in any Central Govt. office or Union Territory) as on 29.6.95 fulfilling the nexus will be eligible to be considered as departmental employees for grant of age relaxation under this sub-para."

4. The applicant was promoted as Tax Assistant in 1993. He joined the Income Tax Department as UDC on 26.3.1983.

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5. The question that arises for consideration is whether the duties of UDC in the Income Tax Department will be useful for the efficient discharge of the duties in Central Excise, ~~and~~ Income Tax etc.

6. In OA 74/94 on the file of this Bench, the ^{which} question had come up for consideration ^{is} as to whether duties rendered as Commercial Clerk in Railway Department are useful for the efficient discharge of duties of posts in Income Tax/Central Excise etc., for similar provision for relaxation of upper age limit was there in regard to the recruitment to the post of Inspector of Central Excise, Income Tax etc. of 199⁴. Therein, ^{while} the Western Zone had taken a view that the Commercial Clerk of Railway satisfies nexus, that ~~are~~ referred to in Para 4(e), the Southern Zone had taken a contrary view. But ^{that} there is nothing to indicate ~~about~~ the view expressed by ^{The Bench of which one of us (U.C.) is a member} the Western Zone, ~~we~~ felt that the same benefit has to be extended even for Commercial Clerks in the Railways of Southern Zone for the purpose of age relaxation.

7. Thus even though the applicant had not worked for three years as Tax Assistant, but still as it is a matter for consideration as to whether a UDC in Income Tax Department satisfies nexus referred to in Para 4(e) of the notification, we feel that in view of the order of this Bench in OA 74/94 and in view of the balance of convenience, it is just and proper to direct the ~~the~~

To

1. The Director of Staff Selection Commission,
Block No.12, CGO Complex, Lodi Road, New Delhi-3.
2. The Regional Director (W.R.)
Staff Selection Commission, Army & Navy Building,
II Floor, M.G. Road, Kalaghoda, Bombay-1.
3. One copy to Mr. Ch.C.Krishna Reddy, Advocate, 3-5-899
Himayatnagar, Hyderabad.
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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the respondents to allow the applicant to appear for the examination scheduled to be held in December 1995 for recruitment to the post of Inspector of Central Excise, Income Tax etc. subject to the condition that in case the applicant is selected, order of appointment shall not be given to him until further orders in this OA.

8. In the result, the following interim direction is ordered:-

If the applicant is going to report along with a copy of this order before the Office Superintendent/ Chief Ministerial Officer of the office of R-2, then R-2 and if he is not present one next to him or out of the officers available next to R-2, has to make arrangement for giving Hall Ticket to the applicant for appearing for the examination for the recruitment to the post of Inspector of Central Excise, Income Tax etc. as per the notification No.3/3/95-P&T, in the centre at Bombay. If the applicant has to be called for interview on the basis of his performance in the written test, he has to be called for interview. If he is going to be empanelled for the post of Inspector of Central Excise, Income Tax etc., the order of appointment shall not be issued to him until further orders in this OA.

List the OA on 19.1.1996; for reply in the meanwhile. //

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

Handwritten
(V.NEELADRI RAO)
VICE CHAIRMAN

DATED: 27th November, 1995.
Open court dictation.

vsn

Avulur
Deputy Registrar (I)

C.C. today
27/11/95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND
T.B.GorKhi
THE HON'BLE MR.R.RANGARAJAN M(A)

DATED: 27/11/1995

ORDER/JUDGMENT

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

in
O.A.No. 1439/95

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

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

PVM.

