

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

DA 7/95.

Dt. of Order: 16-3-95.

V.Krishna Reddy

.. Applicant

Vs.

1. The Chief Engineer (Project) Fy,
Ministry of Defence, Government
of India, Parade Grounds,
Secunderabad - 3.

Respondent

* * *

Counsel for the Applicant : Shri P.Naveen Rao

Counsel for the Respondents : Shri N.V.Ramana, Addl.CGSC

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CORAM:

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

* * *

... 2.

JUDGMENT

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) I

Heard Sri P.Naveen Rao, learned counsel for the applicant and Sri N.V.Ramana, learned Standing Counsel for the respondents.

2. A requisition was issued by the sole respondent herein to the District Employment Officer, Medak District requesting him to sponsor the names for the posts of Peons in Military Engineering Services, under his jurisdiction. In the said requisition, the educational qualifications and age were referred to as VIII Standard and between 18-25 years. The names of number of candidates including that of the applicant herein was sponsored in pursuance of the said requisition. The ranking of the applicant herein in the select list is at 21 out of 40 persons empanelled after the interview.

3. Though the applicant was empanelled in the select list, he was not given order of appointment on the ground that he crossed 25 years age by the date of issue of the proposed orders of appointment. This OA is filed praying for a direction to the respondents to appoint the applicant to the post of Peon on the basis of his seniority in the panel for the post of Peon that was prepared in the year 1985 pursuant to the notification of vacancies to the Employment Exchange.

4. It is admitted by the respondents in their reply that the candidates who are within the age as on the date of appointment, were appointed upto 40th candidate.

5. O.A.No.135/91 filed by the applicant therein who was similarly situated as that of the applicant herein was disposed of by this Bench on 28.7.1993 by holding that one

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1. The Chief Engineer (Project) Fy
Ministry of Defence, Govt. of India,
Parade Grounds, Secunderabad-3.
2. One copy to Mr. P. Naveen Rao, Advocate, CAT. Hyd.
3. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
4. One copy to Library, CAT. Hyd.
5. One spare copy.

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who satisfies the maximum age limit by the date the list was sent by the Employment Officer, should be appointed, even though he is not within the age by the date of issue of the order of appointment. It was further held that in such cases sanction of the Head of the Department had to be obtained under Article 51 of the Civilian Service and Regulations (C.S.R.) Volume-I had to be obtained and if such relaxation is not given the said article had to be read to the effect that the person whose age exceeds 25 years as on the last date of receipt of the applicant/date of receipt of the list from the Employment Exchange, may not ordinarily be entertained into the pensionary service of the state without sanction of the Head of the Department. It was further directed in OA 135/91 that the applicant had to be appointed even though he had crossed 25 years of age by the date of issue of appointment orders.

6. It is not the case of the respondent herein that the applicant in this OA crossed 25 years of age by the date the list was received from the Employment Exchange. For reasons stated in the judgment dt. 28.9.1993 in OA 135/91 on the file of this Bench, this OA has to be allowed on the same lines.

7. In the result, the respondents are directed to appoint the applicant as Peon on the basis of his empanelment in the year 1985 vide proceedings dt. 19.4.1985 bearing No. 10051/2012/E-1B. Time for implementation of the judgment is by 15th June, 1995, failing which the applicant is entitled to salary and allowances from 15.6.95. In case no vacant post is available, supernumerary post has to be created.

8. The OA is ordered accordingly. No costs.

one
(R. Rangarajan)
Member (Admn.)

Srh.

Dated 16th March, 1995.

V. Neeladri Rao
Vice-Chairman

16-3-95
Deputy Registrar

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEE LADRI RAO
VICE- CHAIRMAN

AND

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

DATED - 16-3 1995.

ORDER/JUDGMENT:

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

O. A. No.

T. A. No.

in

7/95

(W. P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

