

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 51/96

Date of Order: 18-1-1996.

Between;

N.Yadaiah

... Applicant

and

1. The General Manager,  
Ordnance Factory Project,  
P.O.Eddumailaram, Medak Dist-205.
2. The District Employment Officer,  
Medak Dist. Sangareddy. A.P.

Respondents.

For the Applicant :- Mr. P.Naveen Rao, Advocate

For the Respondents: Mr. N.V.Ramana,  
Exx./Add.CGSC

CORAM:

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

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

OA 51/96.

Dt. of Order: 18-1-96.

(Order passed by Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman).

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The land of the father of the applicant was acquired for the Ordnance Factory Project at Eddumailaram in Medak District. A scheme was evaluated for providing jobs in the said project to the Land Displaced Persons or one of the dependents. Accordingly the name of the applicant was sponsored <sup>in 1986</sup> by the employment Exchange for consideration for the post in Group-D in this Ordnance Project for the vacancies which are reserved for filling up by land displaced persons ~~in 1986~~. The name of the applicant was empanelled for the vacancy of White Washer. But the applicant was not given the said post as the management of this factory (Respondents) had taken a decision to entrust the work of White Washing to the contractor. Then the applicant filed OA 1158/91 on the file of this Tribunal praying for a direction to the respondents to appoint the applicant in the category of White Washer or in any suitable post available in the respondent's factory. The same was disposed of by order dt. 22-9-93 by giving a direction to the respondents to consider the case of the applicant for any suitable post in Group-D in regard to the vacancy reserved for Land Displaced Persons, and when his turn comes as by relaxing the age limit.

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2. The respondents issued two requisitions to the employment exchange requiring them to sponsor the candidates for consideration for ~~l.c.c.~~<sup>LDC</sup> in regard to the number of vacancies referred to in the requisition and for the names of Land Displaced Persons for consideration for the vacancies in Group-D referred to in the other requisition. It is stated for the applicant that no call letter was sent to him ~~by~~ by the Respondents to either of the posts. This O.A. was filed praying for a direction to the Respondent No.1 to appoint the applicant in the post of Lower Division Clerk or Peon as per his eligibility or suitability.

3. The case of the applicant ~~is~~ that he is having educational requisite/qualifications for the post of Lower Division Clerk is not challenged by the Respondents. The applicant is aged 45 years. The learned counsel for the ~~Res-~~ respondents submitted that he was instructed to state that there is no special quota in the vacancies in Group-C (Lower Division Clerk ~~also~~ in Group-D) for Land Displaced Persons and hence the age relaxation is not given for Land Displaced Persons ~~even though~~ they too are being considered for the post in Group-C if they satisfy the necessary qualifications. It is stated that the ~~maxi~~<sup>As</sup> maximum age limit is 25 years for Group-D as the applicant is aged 45 years, he is over aged and hence a direction cannot be given to Respondent No.1 to consider the case of the applicant for Lower Division Clerk.

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4. As already observed, a direction was given by judgement dt.22-9-93 in OA 1158/91 to consider the case of the applicant for any suitable post in Group-D, by giving age relaxation, as the name of the applicant was sponsored by the applicant earlier, in regard to the vacancies for the Land Displaced Persons, and as he was selected for the post of White Washer, it is stated that the name of the applicant was deleted from the list maintained by the Employment Exchange and hence his name is not again sponsored by the Employment Exchange. It is stated for the respondents that the age relaxation will be for the reasonable period and age relaxation cannot be given for 10 years or more and as the maximum age for the post of Group-D is 30 years, and as the applicant is aged 45 years, his case cannot be considered even for the post of Peon.

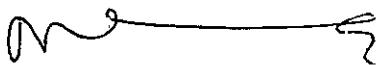
5. It is not in dispute that there is no maximum age limit ~~in regard to those who can be considered on compassionate grounds, for consideration of dependents of the employee who dies while in service.~~ <sup>for consideration of dependents of the employee who dies while in service.</sup> Respondent No.1 had not brought to our notice any instruction or O.M. or letter or any statutory provision to the effect that there shall be a limit even in regard to the age relaxation. Even in the order dt.22-9-93 in OA 1158/91, the age up to which the age relaxation can be given was not referred to. The scheme was evaluated for providing jobs to Land Displaced Persons and ~~them~~ thus it is to

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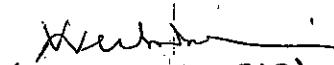
compensate to some extent the income which they had lost. Anyhow when the respondents management had not chosen to fix any age up to which age relaxation can be granted, the mere contention that it is not reasonable to grant age relaxation for more than 10 years cannot be held tenable.

6. Hence Respondent No.1 is directed to consider the case of the applicant for the vacancies referred to in the requisition dt.28-8-95 bearing No.09125/Admin/OFPM/95 vide (Annexure-III) to the O.A. and if selected, he had to be given appointment by giving age relaxation.

7. The O.A. is ordered accordingly at the admission stage itself. No costs.//

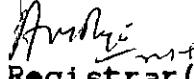


(R.RANGARAJAN)  
Member (A)



(V.NEELADRI RAO)  
Vice-Chairman

Dated: 18th January, 1995.  
Dictated in Open Court.

  
Deputy Registrar (J) CC

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To

1. The General Manager, Ordnance Factory Project, P.O.Eddumailaram, Medak Dist-205.
2. The District Employment Officer, Medak Dist. Sangareddy. A.P.
3. One copy to Mr. P.Naveen Rao, Advocate, CAT.Hyd.
4. One copy to M.N.V.Ramana, Addl.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.

ccby 22/1/96

I COURT

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C.O.S  
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

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

AND

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

Dated: 18-1-1996

ORDER/JUDGMENT

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

O.A.No. 51/96

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.

No Spare Copy

