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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDRABAD

ORIGINAL APPLICATION NO.53 of 1996

DATE OF ORDER: 31st DECEMBER, 1998

BETWEEN:

M.VISWANATHABABU

.. APPLICANT

AND

1. The Chief Commissioner of Labour (Central),
Shramshakti Bhavan, Rafi Marg,
New Delhi,

2. Union of India rep. by its
Secretary, Ministry of Labour,
New Delhi.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. P.B.VIJAY KUMAR

COUNSEL FOR THE RESPONDENTS: Mr.K.BHASKAR RAO, Addl.CGSC

CORAM:

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

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


JUDGMENT

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

None for the applicant. Heard Mr.K.Bhaskara Rao,
learned standing counsel for the respondents.

2. The applicant in this OA is an aspirant for the post of UDC against 50% of Limited Departmental Competitive Examination (LDCE) quota. The examination was to be held in the year 1996. The case of the applicant was rejected for appearing for the selection by the impugned order No.Adm.II/3(3)/94, dated 2.1.96 (Annexure A-V at page 25 to

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the OA) on the ground that he did not complete five years service as on 1.7.95. The applicant also challenges that the upper age limit fixed for the examination in terms of sub-rule 2 of Para 4 of the Scheme dated 20.10.95 (Page 8 to the OA) is arbitrary as earlier the maximum age limit was 50 years and hence reduction of maximum age limit from 50 to 45 years is unwarranted and hence should be set-aside.

3. This OA is filed for quashing the paragraph 4(2) of the scheme of UDCs' Grade Limited Departmental Examination, 1995 which prescribes upper age limit as ⁴⁵50 and rejection of ^{his case by} the respondents vide letter No.Adm.II/3(3)/94, dated 2.1.96 and for consequential direction to the respondents to consider the case of the applicant for promotion to the cadre of UDC with all consequential and attendant benefits.

4. A reply has been filed in this OA. The respondents fairly state that the case of the applicant was not rejected for want of adequate length of service but only for want of upper age limit i.e, the applicant had crossed upper age of 45 years as prescribed in the Scheme referred to above for sitting in the Limited Departmental Examination conducted in 1996. If so, the reason for issuing the impugned letter dated 2.1.96 is not understood. Hence the impugned letter dated 2.1.96 is to be set-aside and it is set-aside. Even then, whether the applicant can sit for the examination in view of the upper age limit prescribed for appearing for the Limited Departmental Examination of LDCs to the higher grade of UDC, is the

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point for consideration.

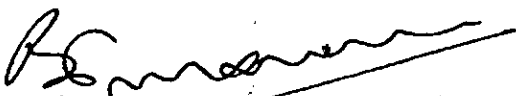
5. An interim order was passed in this OA on 18.1.96. By that order, a direction was given to R-1 to permit the applicant to appear for the examination scheduled to be held on 20th and 21st January, 1996 for the vacancies in UDCs under LDCE quota. It is further directed that if the applicant is selected, the order of promotion shall not be issued without the order of this Tribunal.

6. In view of the above interim order, we have asked the learned counsel for the applicant to produce the selection results, by the docket order dated 23.11.98.

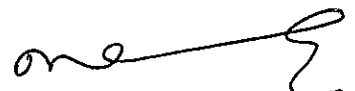
7. The learned standing counsel for the respondents produced the letter addressed to him by the Regional Labour Commissioner (Central), Hyderabad. A perusal of the Annexure to the letter indicates that the applicant failed in the examination. This letter is taken on record.

8. In view of the fact that the applicant had failed in the examination, no useful purpose will be served even if the challenge to the upper age limit is considered in this OA. Hence that question is left open for consideration at a later date as and when need arises.

9. As the applicant had failed in the examination, he cannot aspire to become UDC and hence the OA is dismissed. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

31.12.98


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 31st December, 1998
Dictated in the open court.



copy to: -

1) D.D.R (A)

2) Spare

13/1/99
II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESWAR :
M(J)

DATED: 31/12/98

ORDER/JUDGMENT

MA/R.A./C.P.No.

in
OA.NO. 53/98
ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS

SRR

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