

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No.536 of 1996.

Date of Order:29-6-1998.

Between:

K.A nanda Rao.

.. Applicant

a n d

1. The Staff Selection Commission
(Southern Region)Govt. of India,
EVK Sampath Buildings, 2nd floor,
College Road, Madras, rep. by the
Director (Southern Region).
2. The Govt. of India, rep. by its
Secretary, Department of Personnel &
Training, Ministry of Personnel,
Public Grievances & Pension,
Central Secretariat, New Delhi-1.

.. Respondents

COUNSEL FOR THE APPLICANT : Mr.P.Naveen Rao

COUNSEL FOR THE RESPONDENTS: Mr.K.Bhaskara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADN)

A N D

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

: O R D E R :

(AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A).)

Heard Mr.P.Naveen Rao for the Applicant and
Mr.K.Bhaskara Rao for the Respondents.

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2. The applicant in this O.A. while working as Fitter (Skilled grade) in the Ordnance Factory Project at Eddumailaram submitted his application for Recruitment to the post of Inspector of Central Excise/Income Tax etc., 1996 (Notification at Annexure.A-I, page.8 to the O.A.). The case of the applicant was rejected by the impugned Order No.3/71/95-SR, dated:3-4-1996 as he failed to fulfill the conditions laid down in Para.4(e) of the notice mentioned above for age relaxation as a departmental candidate. The age relaxation as per the notification is permissible only for those who are working in a post which has nexus to the work and to the duties of Inspector of Central Excise/Income Tax. As the applicant was working as a Fitter in the technical cadre, his case was rejected by the impugned Order dated:3-4-1996.

3. The applicant prays for setting aside the impugned Order No.3/71/95-SR, dated:3-4-1996 of Respondent No.1 disqualifying him for selection and consequential direction to the respondents to permit him to sit for the examination in pursuance of the said notification and to appoint him for any of the posts notified as per his performance with all consequential benefits.

4. A reply has been filed in this O.A. The reply only states that the applicant was not permitted to sit for the examination as he ^{did} ~~does~~ not fulfil the conditions laid down in Para.4(e) of the said notification.

5. The applicant in Para.4(d) has stated that, for a departmental candidate, ^{even if} ~~whether~~ ^{no} he has nexus with the

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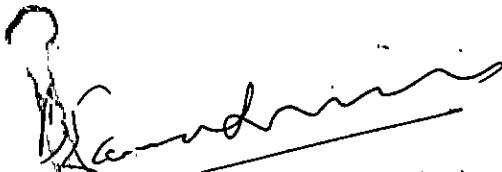
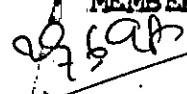
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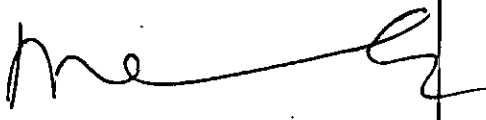
duties of Inspector of Central Excise/^{to}Income Tax, ^L can be considered for the post in accordance with the notification if he is below 35 years of age without insisting on the ^{within} conditions.

6. The learned Counsel for the applicant submits that the department means, any department in Government of India and not the departmental candidates of the Central Excise and Income Tax. ^{my} In the reply there is no remark in regard to the above contention raised in Para.4(d) of the O.A. It is clearly stated in that Para.4(d), the recruitment rules governing the post of Inspector of Income Tax, the maximum age prescribed for the departmental candidates through direct recruitment is 35 years.

7. ^{In} ~~When~~ the recruitment rules for the Income Tax Department were issued by the Income Tax Department, "Departmental candidate" cannot mean to ^{be} ~~be~~ ^a ~~as the~~ departmental candidate of ^{of} for all the departments of Central Government. ~~It should~~ ^{That word} ~~only mean~~ "Departmental candidates" ^{Annals only the employee of the} for the Income Tax Department ~~only~~. Hence the departmental candidates of the Income Tax Department and the Excise Department, ^{only} if they are below 35 years of age, they should be considered for the selection in pursuance of the notification even if they do not have any nexus with the work and duties of Income Tax Inspectors and Excise Inspectors. The applicant being a departmental candidate of Ordnance Factory service, his status as a departmental candidate in Ordnance Factory service cannot give him the relief of considering his case ^{for the selection even if} ~~as~~ he is below 35 years of age.

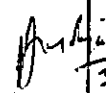
8. In view of what is stated above, we find
no merit in this O.A., hence the O.A. is dismissed.
No costs.


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



(R. RANGARAJAN)
MEMBER (ADMN)

Dated: this the 29th day of June, 1998

Dictated to the steno in the Open Court


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Copy to:

- The Director, (Southern Region,
1. The Staff Selection Commission, (Southern Region), Govt. of India,
EVK Sampath Buildings, 2nd Floor, College Road, Madras.
 2. Secretary, Dept. of Personnel and Training, Min. of Personnel,
Public Grievance & Pension, Central Secretariat, New Delhi.
 3. One copy to Mr. P. Naveen Rao, Advocate, CAT, Hyderabad.
 4. One copy to Mr. K. Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
 5. One copy to D.R(A), CAT, Hyderabad.
 6. One duplicate copy.

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II COURT

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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 PARAMESHWAR
M(J)

DATED: 29/6/98

ORDER/JUDGMENT

M.A/R.A/C.P.NO.

in

C.A. NO. 536/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

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