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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.881 OF 1997

DATE OF ORDER: 22nd January, 1998

BETWEEN:

S.SRINIVASA RAO

.. APPLICANT

AND

1. Staff Selection Commission,
rep. by its Director,
Govt. of India, I2, CGO Complex,
Lodhi road, New Delhi -1,

2. The Regional Director,
Staff Selection Commission,
Govt. of India, II floor,
Army & Navy Building,
148, M.G.Road, Fort,
Mumbai-I.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.Y.Vijay Sankar

COUNSEL FOR THE RESPONDENTS: Mr.V.Rajeswara Rao, Addl.CGSC

CORAM:

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

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

JUDGEMENT

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

Heard Mr.Y.Vijay Sankar, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant herein while working as District Savings Officer, National Savings Organisation applied for the post of Inspector of Central Excise in pursuance of the notification dated 10.7.93. He had sought for age

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relaxation as mentioned under Clause 4(e) of the Advertisement. Clause 4(e) of the Advertisement reads 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 9.8.1993 provided they 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 O.M.No.4/4/74-Estt(D) dated 20.7.76 & dated 24.10.1985 O.M.No.15024/3/87-Estt(D) dated 7.10.1987 and O.M.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 Government office or Union Territory as on 9.8.1993 fulfilling the above will be eligible to be considered as departmental employees for grant of age relaxation under this sub-para."

3. The applicant was kept in provisional list stating that they are seeking clarification as to the nexus to the post held and the post applied for to give him the age relaxation. By the letter dated 18.10.95 (Annexure XI at page 22 to the OA) they informed the applicant stating that

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there is no nexus between his present post and the post for which he has applied inasmuch as there is no relationship between his duties performed in the present Department which could prove useful for the efficient discharge of duties of post for which he has applied for.

4. The applicant has filed this OA challenging the said letter dated 18.10.95 and to quash the same and for consequential direction to direct the respondents to issue the letter of appointment to the applicant as Inspector of Central Excise in pursuance of the notification dated 10.7.93 granting inter-alia seniority on par with the selected candidates for the post, arrears of salary and other benefits.

5. The main contention of the applicant is that the decision of the Staff Selection Commission as regards nexus to the post held by him and the post applied for is not correct and he is quite eligible for appointment as Inspector of Central Excise. He submits that the duties performed by him are quite useful for the duties to be performed as Inspector of Central Excise. The learned counsel for the applicant also relied upon the decision of this Bench in OA 820/95 wherein an Auditor of the Indian Audit and Accounts Department was ~~also~~ considered and it was held that the duties performed by the applicant in that OA have ^d~~his~~ nexus with the duties to be performed as Inspector of Central Excise. In that OA it was directed that in case the applicant therein was selected in the OC category on the basis of ^{her}~~his~~ performance in the written test and personal interview, she had to be given order of

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appointment.

6. The respondents have filed reply stating that the duties performed by the applicant as District Savings Officer in the National Savings Organisation have no nexus to the duties to be performed as Inspector of Central Excise. They also relied upon the decisions of the Calcutta Bench, Bombay Bench and the Principal Bench, New Delhi of this Tribunal wherein the decision regarding nexus taken by the Staff Selection Commission was upheld and they also stated that they have preferred SLP against the judgement in OA 820/95 and the same is pending.

7. The applicant in this OA has given the nature of duties performed by him in the National Savings Organisation at pages 38 to 40 to the reply. This Bench while delivering the judgement in OA 820/95 had held that necessary guidelines/norms have to be issued of some explanatory notes to be added with reference to nexus referred to in para 4(e) in future Advertisements. As such the explanatory notes are not available in the present Advertisement, the Tribunal could not come to any decisive conclusion. In 1995 advertisement, the Department themselves have included the explanatory notes as suggested by this Tribunal in OA 820/95. In the present OA also, the notification of 1993 is challenged. Hence those remarks hold good in this case also. Western Region of the Staff Selection Commission had allowed the Accounts Assistants of the Railways to consider for the post of Inspector of Central Excise, Income Tax etc. In view of that, we held in OA 820/95 that debarring the duties ^{of Auditor} from the purview of

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the consideration for the post ^{was} ~~is~~ not in order. If that judgement is not applicable ^{to} ~~in~~ this case, then the respondents should have compared the duties of the Audit Officer and the Accounts Assistants of the Railways and should have included in the reply that there is no nexus between the duties of the District Savings Officer (Applicant herein) and the Audit and Accounts Assistant and thereafter they could have added that in view of that the judgement in OA 820/95 ^{is} ~~is~~ not applicable ^{to} ~~in~~ this case. But such an attempt has not been made by the respondents in the reply.

8. It is not possible for us from the duties list enclosed to see whether the duties of the District Savings Officer have nexus with the duties of the Inspector of ^{Central Excise} ~~Income Tax~~. Such analysis ^{was} ~~is~~ also ^{not} made by us in the previous OA 820/95. Hence we cannot accept the plea of the respondents that the duties of District Savings Officer have no nexus to the duties of Inspector of Central Excise/Income Tax as the version given by the Department may be one side. Considering all the points and in view of the fact that there is no explanatory note for the task referred to in Para 4(e) of the Advertisement in 1993, we are left with no alternative except to allow this OA and follow the judgement as given in OA 820/95. ^{We} ~~Hence we~~ feel that the rejection of the candidature of the applicant on the ground that there was no nexus for the post applied by him cannot be accepted. Hence we issue the following direction:-

If the applicant is selected in the OC category on the basis of his performance in the written test/personal


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interview, he has to be given the letter of appointment.

9. The OA is accordingly disposed of. No order as to costs.

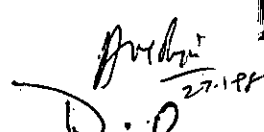

(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

22.1.98


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 22nd January, 1998
Dictated in the open court.

vsn


D.R.
27.1.98

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Copy to:

1. The Director, Staff Selection Commission,
12, CGO Complex, Lodhi Road, New Delhi.
2. The Regional Director, Staff Selection Commission,
II Floor, Army & Navy Building, 148, M.G. Road,
Fort, Mumbai.
3. ~~One~~ copy to Mr. Y. Ajay Sankar, Advocate, CAT, Hyderabad.
4. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
5. One copy to D.R. (A), CAT, Hyderabad.
6. One copy to HBSJP(M), (J), CAT, Hyderabad.
7. One duplicate

YLKR

4/2/98
TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE MR. B. S. JAI PARAMESHWAR :
M(J)

DATED:

22/1/98

ORDER/JUDGMENT

~~M.A./R.A/C.A.NO.~~

in

D.A.NO.

881/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~
DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेवण/DESPATCH

- 2 FEB 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH