

AL ADMINISTRATIVE TRIBUNAL : HYDERABAD : AT HYDERABAD.

DA. 1402/97

en:

Dated: 23-10-97

M. V. S. Prasada Rao

Applicant.

And

The Secretary, Union Public Service Commission,  
Oholpur House, Shajahan Road, New Delhi.

2. The Chairman, Union Public Service Commission,  
Oholpur House, Shajahan Road, New Delhi.

3. The Secretary to the Govt. of India,  
Ministry of Human Resource Development,  
Department of Culture, Shastri Bhavan,  
New Delhi.

4. The Secretary to the Govt. of India,  
Ministry of Personnel, Public Grievances  
& Pensions, Department of Personnel,  
Department North Block, New Delhi.

Respondents.

Counsel for the Applicants : Mr. P. V. Ravindra Kumar

Counsel for the Respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE MR. H. RAJENDRA PRASAD : MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESWAR : MEMBER (J)

\* \* \*

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

Heard Sri Ravindra Kumar for the applicant and Sri N. R. Devaraj  
for the respondents.

Admit. Issue notice. Reply 6 weeks. List it thereafter.

The learned counsel for the applicant forcefully pleaded  
for issue of interim order. Considering the overall facts of the  
case we are however not inclined to issue interim order.

*A. M.*  
Deputy Registrar

DA.1402/97

**Copy to:-**

1. The Secretary, Union Public Service Commission, Dholpur House, Shajahan Road, New Delhi.
2. The Chairman, Union Public Service Commission, Dholpur House, Shajahan Road, New Delhi.
3. The Secretary to the Govt. of India, Ministry of Human Resource Development, Department of Culture, Shastri Bhavan, New Delhi.
4. The Secretary to Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel, North Block, New Delhi.
5. One copy to Mr. P.V. Ravindra Kumar, Advocate, CAT., Hyd.
6. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
7. One duplicate.

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I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.  
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

THE HON'BLE MR. B. S. JAI PARAMESWAR

DATED:- 23 - 10 - 97

M(I)

ORDER/JUDGMENT.

M.A./RA./C-A.No..

in

O.A.No. 1402/97

T.A.No.

(W.P. )

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

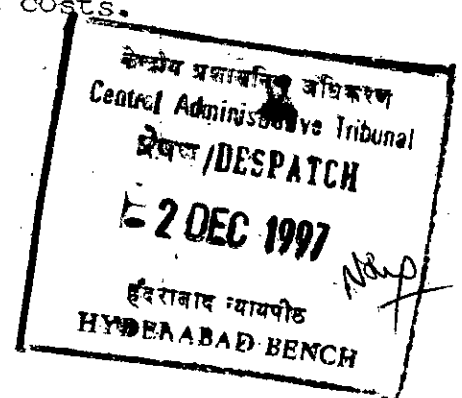
Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No.order as to costs.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD

O.A.No. 1402/97

BETWEEN :

Date of Order : 8.1.99

~~XXXXXXXXXX~~

M.V.S.Prasada Rao

.. Applicant.

AND

1. The Secretary, Union Public Service Commission,  
Dholpur House, Shajahan Road,  
New Delhi.
2. Chairman, Union Public Service Commission,  
Dholpur House, Shajahan Road,  
New Delhi.
3. The Secretary to the Government of India, Ministry of Human Resources Development, Department of Culture, Sastri Bhavan, New Delhi.
4. The Secretary to the Govt. of India, Ministry of Personnel Public Grievances & Pensions, Dept. of Personnel, North Block, New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.R.V.Ravindra Kumar

Counsel for the Respondents

.. Mr. B. Narasimha Siva

CORAM :

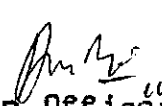
HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

HON'BLE SHRI B.S. BAI PARAMESHWAR : MEMBER (JUDL.)

THIS TRIBUNAL MADE THE FOLLOWING ORDER :

None for the applicant. Mr.M.C.Jacob for Mr.B.N.Sharma, for the respondents.

List this OA on 3.2.99. On that day the proceedings leading to the issue of the notification by the U.P.S.C. and also the selection proceedings for selection for that post should be produced.

  
Section Officer. 14-1-99.

Copy to :

1. The Secretary, Union Public Service Commission, Dholpur House, Shajahan Road, New Delhi.
2. Chairman, Union Public Service Commission, Dholpur House, Shajahan Road, New Delhi.
3. The Secretary to the Government of India, Ministry of Human Resources Development, Dept. of Culture, Shastri Bhavan, New Delhi.
4. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Dept. of Personnel, North Block, New Delhi.
5. One copy to Mr.R.V.RavindraKumar, Advocate, CAT, Hyd.
6. One copy to Mr. B.N.Sarma, Sr.CGSC, CAT, Hyd.
7. One duplicate copy.

COPY TO:-

1. HDHNS
2. HHRP M(A)
3. HBSJP M(J)
4. D.R.(A)
5. SPARE

IST AND IIND COURT

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR :  
VICE CHAIRMAN

THE HON'BLE MR. H. RAJENDRA PRASAD :  
MEMBER (A)

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

THE HON'BLE MR. B.S. JAI PARAMESWAR :  
MEMBER (C)

DATED: 8/1/99

ORDER/ JUDGMENT

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

In

O.A. NO.

1402/92

ADMITTED AND INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

*Post on 8/2/99*

SRR

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
ब्रेच / DESPATCH

18 JAN 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH

33

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH  
AT HYDERABAD.

..

O.A.No. 1402/97.  
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Date of decision: 5-2-1999  
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Between:

M.V.S.Prasada Rau, I.A.S. .. Applicant.

And

1. The Secretary, Union Public Service Commission, Dholpur House, Shajahan Road, New Delhi - 110 011.
2. Chairman, Union Public Service Commission, Dholpur House, Shajahan Road, New Delhi 110 011.
3. The Secretary to the Government of India, Ministry of Human Resource Development, Department of Culture, Shastri Bhavan, New Delhi 110 001.
4. The Secretary to the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel, North Block, New Delhi - 110 001. .. Respondents.

Counsel for the Applicant: Sri P.V.Ravindra Kumar.

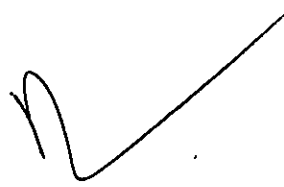
Counsel for the Respondents: Sri B.Narasimha Sarma.

CORUM

Hon'ble Sri R.Rangarajan, Member (A)

Hon'ble Sri B.S.Jai Parameshwar, Member (J)

 JV



: 2 :

O.A.1402/97.

(by Hon'ble Sri R.Rangarajan, Member (A))

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None for the Applicant. Sri B.Narasimha Sarma,  
the learned Sr.Standing counsel for the Respondents.

Even though this O.A., had come up for consideration  
on 8.1.1999 neither the applicant nor his counsel<sup>was</sup>/present.  
Even today the applicant is not present. The counsel  
for the applicant<sup>is</sup>/also not present.

Hence the O.A., is being disposed of under Rule 15(1)  
Central  
of the/Administrative Tribunal(Procedure)Rules, 1987.

The Applicant in this O.A., was an Officer of  
Andhra Pradesh Cadre  
Indian Administrative Service/and retired from service  
on 31.8.1996. The applicant submitted his application  
for the post of Director in the National Library, Depart-  
ment of Culture, Ministry of Human Resources Development,  
Government of India in the scale of pay of Rs.7,300--7,600  
in response to the UPSC Advertisement No.1/97 (Annexure A1  
Page 9 to the O.A.). The conditions prescribed are:

\* Preferably below 58 years.

**Educational Qualifications:**

- i) Master's degree in a major discipline  
or equivalent in Humanity, Social  
Science, Natural Science or Library  
Science;
- ii) Must be a distinguished Scholar with  
national recognitions and high standard  
of published work to his credit

Age limits on 5.6.1997.

Age is relaxable for displaced persons,  
S.C., S.T., Ex-Servicemen & Commissioned  
Officers inclusive ECOS/SSCOS/Meritorious  
Sportsmen/Sportswomen/Widows, divorced women,

R

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women judicially separated from their husbands, who are not remarried as per Govt. orders issued from time to time. Age relaxation of 5 years admissible to those who had ordinarily been domiciled in the State of J & K during the period from 1.1.1980 to 31.12.1989 subject to submission of certificate from the District Magistrate of the area or from any other authority designated by the Government in this behalf. Age is also relaxable upto 3 years for OBC candidates. For Govt. Servants age is relaxable upto 5 years unless stated otherwise.

The applicant responded to the Notification but his case was not considered.

This O.A., is filed praying for a declaration that the action of the respondents ignoring to consider the candidature of the applicant is bad and illegal and for a consequential direction to the respondents to consider the applicant for the post of Director against the Advertisement referred to above.

The main contention of the applicant is that he is well equipped for being considered to the post in view of his accomplishments as stated in the O.A. The respondents are legally bound to call all the eligible candidates for consideration and they have neither choice nor the authority to discriminate among the candidates eligible and applied for.





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On 8-1-1999 an order was passed. Even on that day neither <sup>the</sup> applicant nor his counsel <sup>were</sup> present. In that order, ~~it was~~ the respondents were directed to produce the proceedings leading to the issuance of the notification by the UPSC and also the selection proceedings for selection for that post.

On 3.2.1999, Sri N.M.L.Bhatnagar, Under-Secretary of the UPSC had come over along with the confidential records relating to the selection to the post of Director, National Library as advertised as per Annexure A-1.

We have perused the Note prepared in this connection by the UPSC. From the Note, it is seen that in all 93 applications were received. ~~xxx~~ <sup>those</sup> out of 93 applications, 31 candidates <sup>did</sup> ~~are~~ not possess the educational qualifications, one candidate had not paid the fees, five candidates including the applicant <sup>were</sup> ~~was~~ overaged as the qualification prescribed for age is preferably below 58 years as on 5.6.1997

The case of the applicant was rejected on the ground that he is over-aged by 9 months and 14 days on that crucial date as he was born on 22-8-1938. On the basis of screening <sup>37 applications</sup> ~~28 candidates~~ were found to be in order. Even though, <sup>37 applications</sup> ~~28 candidates~~ were found in order, only 15 candidates were listed for calling for viva-voce as there was only one post to be filled in. Among those 15 candidates interviewed,

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one Sri Harjeet Singh was selected by the Selection Committee. The selection proceedings were also seen by us.

From the above analysis, it is evident that the applicant has not fulfilled the age qualification as prescribed in the notification even though he is otherwise well qualified. There were other qualified candidates within the age limit of 58 years for consideration. The applicant has not given any special reasons for giving him age relaxation. The applicant did not fulfil the age qualification and there were 37 applicants available fulfilling all the conditions mentioned in the Notification. The UPSC in our opinion has rightly rejected the candidature of the applicant. As a matter of fact, even though 38 applications were screened and found them in order, only 15 candidates were listed for calling them for interview. The short listing of ~~23~~ candidates is upheld by the Apex Court in some other case.

In view of the fact that applicant has not fulfilled the age qualification, non-consideration of his candidature by the UPSC., is neither illegal nor arbitrary. There is no law that binds the respondents to call all the eligible candidates in the circumstances referred to above for viva-voce. We do not find any discrimination if the applicant is not called for for the interview and considered especially when <sup>37</sup> 38 eligible and qualified candidates fulfilling all the conditions mentioned in the Notification are available.

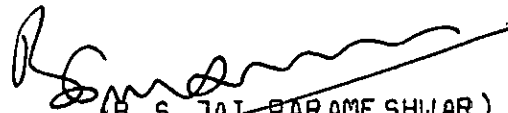
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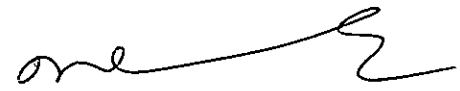
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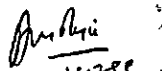
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In view of what is stated above, the O.A., is  
liable to be dismissed and accordingly it is dismissed.

No costs.

  
(B.S. JAI PARAMESHWAR)  
Member (J)  
5.2.99

  
(R. RANGARAJAN)  
Member (A)

  
10.2.99

Date: 5-2-1999  
-----

sss.

Copy to:

1. HDHND
2. HHRP M(A)
3. HBSDP M(J)
4. D.R. (A)
5. SPARE

1st and 2nd Court.

Typed By  
Compared by

Checked by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.H. NASIR:  
VICE - CHAIRMAN

THE HON'BLE H. RAJENDRA PRASAD :  
MEMBER (A)

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

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

DATED: 5/2/99

ORDER/JUDGMENT

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

IN

O.A.NO : 1402/97

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED

NO ORDER AS TO COSTS

केन्द्रीय प्रशास  
Central Admin  
प्रवण /

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD Bench : Hyderabad

O.A.No. 1402/97

BETWEEN :

Date of Order : 8.1.99

ATTORNEY :

M.V.V. Prasad Reddy

.. Applicant.

AND

1. The Secretary, Union Public Service Commission,  
Cholpur House, Shojhan Road,  
New Delhi.
2. Chairman, Union Public Service Commission,  
Cholpur House, Shojhan Road,  
New Delhi.
3. The Secretary to the Government of India, Ministry of Human Resources Development, Department of Culture, Sastri Bhawan, New Delhi.
4. The Secretary to the Govt. of India, Ministry of Personnel Public Grievances & Pensions, Dept. of Personnel, North Block, New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr. P.V. Devindro

Counsel for the Respondents

.. Mr. B.N. Suresh

FILED :

HON'BLE SRI R. RANGARAJAN : JUDGE (A.T.)

HON'BLE SRI J.S. JAI PRASAD : JUDGE (JUL.)

THIS TRIBUNAL MADE THE FOLLOWING ORDER :

None for the applicant. Mr. R.T. Jacob for Mr. B.N. Suresh, for the respondents.

List this OA on 3.2.99. On that day the proceedings leading to the issue of the notification by the U.P.S.C. and also the selection proceedings for selection for that post should be produced.

FOR ORDER

CERTIFIED TRUE COPY

Sd/- AR XI  
Section Officer.

Copy to :

1. The Secretary, Union Public Service Commission, Cholpur House, Shojhan Road, New Delhi.
2. Chairman, Union Public Service Commission, Cholpur House, Shojhan Road, New Delhi.
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4. The Secretary to the Govt. of India, Ministry of Personnel, Public Grievances & Pensions, Dept. of Personnel, North Block, New Delhi.

Issued on 8.1.99

HON'BLE SRI J.S. JAI PRASAD

5. One copy to Mr. P.V. Devindro Kumar, Advocate, CAT, Hyd.

6. One copy to Mr. B.N. Suresh, Mr. J.S. Jai Prasad, CAT, Hyd.

7. One duplicate copy.