

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JATPUR BENCH, JATPUR.

DATE OF ORDER : 17-5-2001

OA No. 350/2001

Baij Nath Tiwari son of Shri Ramavtar Tiwari aged about 34 years, resident of C/o National Environmental Engineering & Research Institute, Zonal Lab. CFC 1, Malviya Industrial Area, Jaipur.

....Applicant.

VERSUS

1. The Union of India through the Secretary to the Government of India, Ministry of Science & Technology, New Delhi.
2. The Director General, Council of Scientific & Industrial Research, 2 Rafi Ahmed Kidwai Marg, New Delhi.
3. The Director, National Environment Engineering Research Institute, Nehru Marg, Nagpur.
4. The Scientist & Head, National Environmental Engineering & Research Institute, Zonal Lab. CFC 1, Malviya Industrial Area, Jaipur.

....Respondents.

Applicant present in person.

Mr. Sohan Lal Sharma, Counsel for the respondents.

CORAM

Hon'ble Mr. M.P. Singh, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. M.P. SINGH, MEMBER (ADMINISTRATIVE)

By filing this OA, the applicant has sought direction to respondents to call him for interview to be held on 23.8.2001 in pursuance to the advertisement dated 5.8.2000 for consideration of his candidature for appointment on the post of Driver by invoking age relaxation clause..

2. The admitted facts of the case are that applicant was appointed as Staff Car Driver with respondent No. 4 on 7.7.92. The respondents vide advertisement dated 5.8.2000 (Annexure A/1) notified the vacancy for the post of Driver. In pursuance of this advertisement, the respondents had called certain persons for interview. Although name of the applicant was recommended by the Screening Committee for granting age relaxation but the same was not approved by the competent authority i.e. Respondent No. 2. However, the Tribunal vide its order dated 16.8.2001 directed the respondents to permit the applicant to take the interview, which was scheduled to be held on 23.8.2001.

3. The applicant had earlier filed an OA No. 110/2001 before the Tribunal for regularisation of his services but the same was rejected by the Tribunal vide its order dated 29.6.2001. Thereafter the applicant filed a Civil Writ Petition before the hon'ble High Court against the order of the Tribunal dated 29.6.2001, which is still pending. Since the respondents did not call the applicant to appear before the interview scheduled to be held on 23.8.2000, he has filed this OA claiming for the aforesaid relief.

4. Heard the applicant in person and the learned counsel for the respondents and also perused the record.

5. The short point involved in this case is whether the applicant is eligible for being considered for the post of Staff Car Driver by granting age relaxation. After perusal of the record placed before us, we find that applicant has been working with the respondents since 7.7.92. Although the respondents had denied the fact that applicant was working with them since 7.7.92 but the fact remains that the applicant has been working with them as Driver since then. The applicant was engaged by the the respondents through a Contractor. We find from the advertisement issued by the

respondents for recruitment to the post of Driver on 5.8.2001 that maximum age prescribed for the post of Driver is 28 years as on 31.8.2000. However, relaxation of five years is admissible to the candidates belonging to SC & ST Community and that of three years to the candidates belonging to Other Back Ward Classes. The applicant belongs to the General Category and as per this advertisement, the relaxation in respect of this category can be considered by the respondents depending upon experience and the qualification.

6. It is also the admitted position that applicant was engaged on contract basis on 7.7.92, when he was below 28 years. The applicant is, therefore, eligible for age relaxation by excluding the period for which he has been engaged with the respondents i.e. from 7.7.92 onwards. On this ground, the respondents ought to have given the age relaxation to the applicant and permitted him to take the interview for selection to the post of Driver.

7. For the reasons stated above, the OA is allowed and the respondents are directed to consider the candidature of the applicant for the post of Staff Car Driver by granting age relaxation by excluding the period of his engagement with respondents as Driver since 7.7.92.

8. The OA is disposed of in the aforesaid terms. No order as to costs.

Omkaresh

(J.K. KAUSHIK)

MEMBER (J)

MP Singh

(M.P. SINGH)

MEMBER (A)

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