

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No. 94/2005.

Jaipur, this the 20th day of July, 2005.

CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.

1. Om Prakash Sharma
S/o Shri Rewarmal Sharma,
Aged about 30 years,
R/o 138, Vardhman Nagar-B,
Hirapura, Ajmer Road, Jaipur.
2. Ravi Sonawat
S/o Shri Babulal sonawat,
Aged 30 years,
R/o 4220, Govind Raiji Ka Rasta,
Last crossing, Chandpole Bazar,
Jaipur.
3. Ajay Kumar Mahavar
S/o Shri shyam Lal Mahavar,
Aged about 31 years,
R/o S-6, Shiv Nagar,
Near Sophia School, Ghat Gate,
Jaipur.
4. Vinod Kumar Tailor
S/o Shri Nathu Lal Tailor,
Aged about 24 years,
R/o 118, Brahmputri Road,
Shankar Nagar, Jaipur.
5. Ramesh Kumar Sain
S/o Shri Parshuram Sain,
Aged about 28 years,
R/o Qtr. No.112, Jyoti Nagar,
Type-I, Income Tax Colony,
Jaipur.
6. Dinesh Kumar Sain
S/o Shri Parshuram Sain,
Aged about 26 years,
R/o Qtr. No.112, Jyoti Nagar,
Type-I, Income Tax Colony,
Jaipur.
7. Mukesh Kumar
S/o Shri shyam Lal,
Aged about 26 years,
R/o S-6, shiv Nagar,
Near Sophia School, Ghat Gate,
Jaipur.



8. Kailash chand Jat
S/o Shri Jagdish Narayan Jat,
Aged about 27 years,
R/o village Mumarkhya,
Post Thali, Tehsil chaksu,
District Jaipur.
9. Bhagchand
S/o Shri Ramdhan gothwal,
Aged about 21 years,
R/o village Hrasarawala,
Post Bilochi, vaya Morija,
District Jaipur.
10. Parmanand Gothwal
S/o Shri Shivram gothwal,
Aged about 30 years,
R/o Bukaron Ka Mohalla,
Ward No.8, Chomu.
11. Ramesh Sharma
S/o Shri Jagdish Prasad Sharma,
Aged about 26 years,
R/o New Colony, Goner,
Jaipur.
12. Amar Singh
S/o Shri chunni Lal Gehlot,
Aged about 34 years,
R/o Qtr. No.48,
Shiv Shankar Colony,
Near Sophia School,
Ghat Gate, Jaipur.
13. Vinod
S/o Shri Deshraj Solanki,
Aged about 31 years,
R/o 1980, Bilala Bhawan,
Haldion Ka Rasta,
Johri Bazar,
Jaipur.
14. Ramprakash Meena
S/o Shri Kalyan Mal Meena,
Aged about 31 years,
R/o Village & Post Lalgarh,
Tehsil Bassi,
District Jaipur.

By Advocate : Shri Shiv Kumar

... Applicants.

v e r s u s



1. Union of India through its Secretary, Ministry of Finance, Department of Revenue, New Delhi.
2. Chief Commissioner of Income Tax, Central Revenue Building, Bhagwandas Road, Statue Circle, Jaipur.
3. Additional Commissioner of Income Tax (Headquarters) Central Revenue Building, Bhagwandas Road, Statue Circle, Jaipur.

... Respondents.

By Advocate : Shri Gaurav Jain.

: O R D E R (ORAL) :

This OA has been filed by 14 persons seeking relief to the extent that the respondents may be directed to consider the candidature of the applicants against the post of Peon/Chowkidar in pursuance to the notification dated 30.01.2005 (Annexure A/1) and preferences may be given to the applicants in comparison to the outsiders as they are already performing the duties of Peon, Chowkidar, Electrician, Driver and Gardener with the respondents department, as per Condition No.5 of the notification itself. Out of 14 persons, 8 persons have already been considered and called for interview.

2. On the last hearing, applicants have moved an MA, seeking direction to respondents to consider 5 applicants, i.e., applicant No.2, 3, 5, 10 & 12. As far as applicant No.1 is concerned, it is submitted by the



Learned Counsel for the applicant that since he is already working with the respondents, he can also be considered under the category of Government servant for which the age limit is 35 years. As per direction on the last date of hearing to consider 5 applicants who were mentioned in the MA, Learned Counsel for the respondents has placed on record a Chart showing that all those five applicants were considered and they were not found eligible as they are over age and as such, they could not be considered. However, a perusal of the notification Annexure A/1 shows that for OBC candidates, the age limit is 35 years but the respondents have treated Shri Ravi Sonawat, Applicant No.2, and Shri Ramesh Kumar Sain, Applicant No.5, who are OBC and are less than 35 years of age, on the cut off date and considered them over age. As regards other, it is pointed out that since all other candidates are already in government service and working under the respondents and they have also additional qualification as per condition No.5 of the notification so they are also eligible to be considered.

3. Considering the same, I think that this OA can be disposed of at this stage itself with a direction to the respondents that they shall consider the OBC candidates who are within the age limit and as regards the other applicants who ~~are~~ claimed to be in the government service and the age limit prescribed is 35 years of age, the respondents shall consider their cases also and if



Considered as 1/4
they are qualified to be a government servant then they
should be given concession up to the age of 35 years as
prescribed in the notification itself. This exercise
shall be completed within a period of two months from the
date of receipt of a copy of this order and in any case
other applicants *who* are treated as non government
servant, then the respondents shall pass a speaking order
thereon. While considering the cases of the applicants,
respondents shall also take a special note of condition
No.5 as notified in the notification.

4. OA stands disposed of accordingly.

Kuldeep
(KULDIP SINGH)
VICE CHAIRMAN

P.C./