

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH, BANGALORE

ORIGINAL APPLICATION NO.170/00975/2016

DATED THIS THE 9TH DAY OF JANUARY, 2018

HON'BLE DR. K.B. SURESH, MEMBER(J)

HON'BLE SHRI P. K. PRADHAN, MEMBER(A)

Naveen P.N,
S/o Shri P.N. Nambiathan Namboothri,
Aged about 38 years,
Junior Engineer (NQA),
Quality Assurance Establishment (WE/FPC),
QAE(WE/FPC),
Jalahalli Camp Road,
Yeshwanthpur,
Bangalore-560 022.
Res: P21/5, CQAE(WE), Residential Complex,
Jalahalli Camp Road,
Yeshwanthpur,
Bangalore-560 022.Applicant.

(By Advocate R. B. Anneppanavar Associates)

V/s.

1. The Union of India
Rep. by its Secretary to the Government of India,
Ministry of Finance,
Department of Revenue,
New Delhi .
2. The Commissioner (Logistics),
Directorate of Logistics,
Customs & Central Excise,
4th Floor, A Wing, Lok Nayak Bhavan,
Khan Market, New Delhi-110511.
3. Additional Director (Marine Wing),
Directorate of Logistics,
Customs & Central Excise,
4th Floor, A Wing, Lok Nayak Bhavan,
Khan Market, New Delhi-110511.Respondents.

(By Shri Gajendra Vasu, Sr. Panel Counsel)

ORDER (ORAL)HON'BLE DR K.B. SURESH, MEMBER(J)

Heard. The matter is in a very short compass. The objection raised by the respondents that the applicant's appointment is that since he had secured one opportunity in the quota of Ex-service man, no age relaxation can be granted to him. Applicant has produced Annexure A-4, which we quote herein:

No. 36034/3/90-Estt.(SCT)
Government of India
Ministry of Personnel, P.G. and Pensions
Department of Personnel & Training
(New Delhi)

Dated the 10th October, 1994.

Subject: Benefit of age concession to ex-servicemen who have already joined Government service for applying for employment in a higher post/service under the Central Government.

The undersigned is directed to refer to this Department's O.M. of even No dated 2.4.92 wherein it was decided that such of those ex-servicemen candidates who have already secured employment under the Central Government in Group C and D, would be permitted the benefit of age-relaxation as prescribed for ex-servicemen for securing another employment in a higher grade or cadre in Group C and D under the Central Government.

2. The question of extending this concession to Group A and B posts has been under the consideration of the Government. It has now been decided that those ex-servicemen who have already secured regular employment under the Central Government in a civil post would be permitted the benefit of age relaxation as admissible for ex-servicemen for securing another appointment in any higher post or service under the Central Government. However, such candidates will not be eligible for the benefit of reservation, if any, for ex-servicemen in Central Government.

3. The above decision is in modification of the provisions of this Department's O.M. No. 36034/27/84-Estt (SCT) dated 2.5.85

4. Ministry of Finance etc. are requested to bring the contents of this O.M. to the notice of all concerned.

(BHAVANI THYAGARAJAN)
Director (JCA)

We queried learned counsel for the respondents as to whether Annexure A-4 is genuine or not. He apparently has no doubt about it.

Therefore, going by the 2nd para of the said order issued by the Government, applicant is eligible for age relaxation but not reservation as Ex-serviceman. If the applicant is meeting the first consideration, he need not be given the 2nd consideration and therefore will be eligible for consideration for age relaxation and if found suitable for appointment, it is so declared and mandate issued to the respondents to consider him and pass appropriate orders within one month next in terms of the said order.

2. OA therefore allowed to this limited extent. No order as to costs.

(P.K.PRADHAN)
MEMBER(A)

(DR. K.B. SURESH)
MEMBER(J)

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Annexures referred to by the applicant in OA.No. 975/2016

Annexure A-1: Copy of the Notification No.39016/10/79-Estt.(c) of GOI dt. 15.12.1979.

Annexure A-2: Copy of OM.36034/27/84-Estt.(SCT) dated 02.05.1985.

Annexure A-3: Copy of OM.36034/2/91-Estt.(SCT) dated 03.04.1991.

Annexure A-4: Copy of OM.36035/87/90-Estt.(SCT) dated 10.10.1994.

Annexure A-5: SSC Publication in Employment News dated 24.05.2014.

Annexure A-6: Indian Naval service and releasing certificate dated 31.08.2014.

Annexure A-7: Result/ nomination for the various selection posts during the month of June 2015 dated 01.06.2015.

Annexure A-8: Employment Notice No. of MOF, Dept. of Revenue dated 21.11.2014, New Delhi.

Annexure A-9: Copy of Appointment Order from DGQA dated 24.07.2015.

Annexure A-10: Copy of Appointment Order F.No.203/8/2015- Mo/184 from R-2 dated 15.02.2016.

Annexure A-11: Copy of representation dated 22.02.2016.

Annexure A-12: Copy of Undertaking dated 01.03.2016.

Annexure A-13: Copy of No objection certificate dated 02.03.2016.

Annexure A-14: Copy of Representation dated 03.03.2016 – with typed copy.

Annexure A-15: Copy of Representation dated 04.03.2016.

Annexure A-16: Copy of letter No.2201/A/QAE (WE)/C of Commander-DGQA dated 07.03.2016.

Annexure A-17: Copy of RTI information of R-2 dated 29.03.2016.

Annexure A-18: Copy of RTI information of R-2 dated 21.04.2016.

Annexure A-19: Copy of RTI information of R-2 F.No.209/1/2016-DL/29955 about vacancies dated 27.07.2016.

Annexure A-20: Copy of RTI application dated 23.09.2016.

Annexure A-21: Copy of order dated 31.08.2016 of Hon'ble CAT, Ernakulam.

Annexures referred to by the respondents

Annexure R-1: Copy of letter dated 15.02.2016.

Annexure R-2: Copy of Ex-service Rules.

Annexure R-3: Copy of Application.

Annexure R-4: Copy of OM dated 2.5.85.

Annexure R-5: Copy of Order in OA.No.363/16.

Annexure R-6: Copy of OM dated 14.08.2014.

Annexures referred to by the applicant in the rejoinder

Annexure A-22: Copy of letter No.2707DG/QA(N)-Pers dated 03.07.2016.

Annexure A-23: Post Office receipt dated 13.11.2014.

Annexure A-24: Copy of Employment News dated 21.11.2014.

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