

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

O. A. No.60/1475/2017

...

Date of decision: 18.12.2017

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. P. GOPINATH, MEMBER (A).**

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1. Arti Sharma daughter of Sh. Baldev Dass Sharma, aged 33 years, resident of House No.100/D, G&J (U), Green Apartment, Pitampura, New Delhi.
2. Poonam daughter of Sh. Rajender Prasad, aged 32 years, resident of House No.643, Sector 25, Panchkula.

... APPLICANTS

VERSUS

1. Chandigarh Administration through the Secretary, Department of Medical Education and Research, Civil Secretariat, Deluxe Building, Sector-9, Chandigarh.
2. Government Rehabilitation Institute for Intellectual Disabilities, Sector 31, Chandigarh through its Director.
3. The Joint Director, Government Rehabilitation Institute for Intellectual Disabilities, Sector 31, Chandigarh.

... RESPONDENTS

PRESENT: Sh. Puneet Gupta, counsel for the applicants.
Sh. Arvind Moudgil, counsel for the respondents.

ORDER (Oral)

SANJEEV KAUSHIK, MEMBER (J):-

1. Present O.A. has been filed seeking following relief:
 - 8(i) Direct the respondents to fairly consider the case of the applicants for appointment to the post of Vocational Instructor and appoint the applicants to the post of Vocational Instructor being fully eligible and available as per the merit list prepared by the respondents and grant all consequential benefits.
 - (ii) Quash the Public Notice dated 13.11.2017 (Annexure A-6) qua the applicants whereby the applicants have been shown ineligible being overage in an absolute illegal, arbitrary, discriminatory manner and without jurisdiction and contrary to the settled law as detailed in the present O.A. and direct the respondents to consider the objections of the applicants both dated 15.11.2017 (Annexure A-4 and Annexure A-8) respectively as the respondents have not

responded thereto and even the reminder dated 17.11.2017 (Annexure A-9)".

2. This matter came up for preliminary hearing on 13.12.2017 when following order was passed:-

"M.A. No.60/1868/2017

1. Present M.A. has been filed under Rule 4(5)(a) of the C.A.T. (Procedure) Rules, 1987, seeking permission to allow the applicants to file joint petition.
2. For the reasons stated therein, the same is allowed.

O.A. No.60/1475/2017

1. Heard Sh. Gupta who, inter alia, contends that the applicants who were declared successful have now been declared ineligible on the plea of overage by Public Notice dated 13.11.2017. They were granted 10 days time to file objection, which they have submitted on 15.11.2017 but till date respondents have not taken decision. He further submits that in terms of service Rules and instructions issued by Chandigarh Administration, Department of Personnel on 04.11.2017, they have already increased age from 18-25 years to 18-37 years on Punjab pattern and since applicants are within age limit, therefore, the respondents cannot declare them ineligible.
 2. Issue notice to the respondents. Notice regarding stay too.
 3. Sh. Arvind Moudgil, Advocate, accepts notice. As prayed, time is allowed to have instructions on the issue.
 4. List on 18.12.2017."
3. Today, when matter came up for hearing on interim relief, Sh. Moudgil, learned counsel for the respondents very fairly submitted that since representation of the applicants is still pending unanswered wherein applicants have prayed for same very relief as claimed in this O.A., therefore, he prayed that this O.A. be disposed of at this stage and respondents be granted 15 days time to decide their representation.
4. Learned counsel representing the applicants did not object to the proposal. However, he submitted that till respondents take a view on

the pending representation, they be directed to keep 2 posts reserved. He further submitted that if order goes against the applicants, then respondents be directed not to fill up those two reserved posts for ten days thereafter, so that they can approach Court of law if still feel dissatisfied.

5. Considering submission made by learned counsel for the applicants, we feel that interest of justice will be served if O.A. is disposed of at this stage, as prayed by learned counsel for the respondents. Accordingly, the respondents are directed to keep two posts reserved till they decide claim of the applicants within 15 days from the date of receipt of a certified copy of this order by passing a reasoned and speaking order. The restrain order will continue to operate for another 10 days, if decision to be taken goes against the applicants.
6. Disposal of the O.A. in the above terms shall not be construed as an opinion on the merit of the case.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 18.12.2017.
Place: Chandigarh.

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