

**CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH**

OA 4316/2015

New Delhi this the 7<sup>th</sup> day of February, 2019

**Hon'ble Ms. Nita Chowdhury, Member (A)**  
**Hon'ble Mr. S.N.Terdal, Member (J)**

Vijender Pal,  
Peon, Group 'D', Aged 48 years  
S/o Late Pyare Lal,  
R/o Quarter No. 229, Sector-2,  
Type-1, Sadiq Nagar,  
New Delhi-110049.

... Applicant

(By Advocate: Shri Asish Nischal)

**VERSUS**

1. Union of India through its Secretary,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.
2. Director General of Health Services,  
Ministry of Health & Family Welfare,  
Nirman Bhawan, New Delhi.
3. Medical Superintendent,  
Dr. RML Hospital,  
New Delhi-110001.

. .. Respondents

(By Advocate Mr. Y. P.Singh)

**ORDER (ORAL)**

**Hon'ble Mr. S.N.Terdal, Member (J):**

We have heard Mr.Asish Nischal, counsel for applicant and Mr. Y.P. Singh, counsel for respondents, perused the pleadings and all the documents produced by both the parties.

2. In this OA, the applicant has prayed for the following reliefs:
  - "a. Direct the respondents to consider and appoint the applicant to the post of Head Supervisor.

- b. Pass any other relief that this Hon'ble Tribunal may consider fit in the interest of justice."

3. The relevant facts of the case are that applicant was working as a Peon in the respondents' hospital on regular basis w.e.f. 1.1.1999. On 12.12.2009 the applicant applied for the post of Head Supervisor (Group 'C') as a direct recruit, he again applied against the advertisement of the respondents issued on 21.06.2014. The applicant was eligible for the said post, but, however, as on the relevant date i.e. as on 31.08.2015, the applicant was 46 years 8 months and 21 days.

4. The respondents in their counter affidavit have stated that because of overage, the applicant was not eligible to be appointed as he was not entitled for age relaxation. The counsel for the applicant has produced G.I.Deptt. of Per. & Trg., O.M.No.43013/2/95-Estt.(SCT) dated 7.02.1995 and G.I. Dept. of Per. & Trg., Notification No. 15012/7/91-Estt(D) dated 20.12.2001 under which it is very clearly stated that if a Group 'D' employee is registered with the Employment Exchange for appointment to Group 'C' posts then in such cases age relaxation to the extent of the entire period of service rendered by such employee in government service should be given to the said Government employee. In view of the said OMs, we are of the opinion that the applicant is entitled for age relaxation for the duration from 1.01.1999 to 12.12.2009 and, therefore, he is entitled to be promoted to the post of Head Supervisor in the respondents' organization with effect from the date on which the DPC was held for the said post on 27.11.2015 with all consequential benefits. The counsel for the applicant has relied upon an identical case of **Braham Singh and Anr.**

Vs. **UOI & Ors** (OA 3930/2014) disposed of by this Tribunal vide order dated 10.08.2016.

5. In agreement with the reasoning of this Tribunal in the above said case of Braham Singh (supra) and in view of the facts of this case, allow this OA and direct the respondents to promote the applicant with effect from 27.11.2015 with all consequential benefits. No order as to costs.

**(S.N.Terdal)**  
**Member (J)**

**(Nita Chowdhury)**  
**Member (A)**

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