

CENTRAL ADMINISTRATIVE TRIBUNAL

MADRAS BENCH

DATED THIS THE 7 DAY OF JUNE, TWO THOUSAND NINETEEN

PRESENT:

THE HON'BLE MR. P. MADHAVAN, MEMBER (J)

THE HON'BLE MR. T. JACOB, MEMBER (A)

OA/310/00094/2014

R. Ragunathan,
S/o (Late) Ramasamy,
No 43, Ballarpalli Street,
Suthukenypet, Puducherry.

...Applicant

-versus-

1. Union of India rep., by the
Secretary to Government for
Adi Dravidar Welfare Department,
Chief Secretariat, Puducherry.

2. The Director,
Adi Dravidar Welfare Department,
Puducherry.

3. The Director of Employment & Training,
Employment Exchange, Puducherry.

...Respondents

By Advocates:

M/s V. Ajayakumar, for the applicant.

Mr. R. Syed Mustafa, for the respondents.

O R D E R

(Pronounced by Hon'ble Mr. T. Jacob, Member (A))

The applicant has filed this OA under Sec.19 of the Administrative Tribunals Act, 1985 seeking a direction to the respondents to consider his appointment to the post of Welfare Inspector under the quota reserved for Scheduled Caste candidates.

2. The brief facts of the case, according to the applicant, are that the applicant in pursuance of a notification dated 2.12.2013 calling for applications to fill up the post of Welfare Inspector in the Adi Dravidar Welfare Department, applied for the said post having fulfilled the qualification of Post Graduate Degree in Social Work and studied Psychology as one of the main subject in B.,Ed Degree. However, the third respondent – Employment Exchange did not sponsor his name for appointment as he had not registered his Under Graduate Degree (B.Ed) with the Employment Exchange. Further, the second respondent has also rejected his candidature stating that he had crossed 37 years which is the prescribed age limit for Scheduled Caste candidates even though there is an order of Government of Puducherry stating that the candidates whose names have not been sponsored for any appointment for the last 5 years will be entitled to get age relaxation. However in pursuance of an interim order granted by this Tribunal on 31.1.2014, the applicant was issued with the Hall Ticket and was permitted to appear in the examination held on 2.2.2014. Accordingly the applicant appeared in the examination and secured 75 marks which is below the cut off marks under Scheduled Caste category and hence he



was not selected for appointment to the post of Welfare Inspector. The applicant has filed this OA seeking the above relief on the following among other grounds:-

- (i) The applicant is entitled to be considered for appointment to the post of Welfare Inspector against the vacancies earmarked for Scheduled Caste candidates and denial of the same is arbitrary and discriminatory.
- (ii) The applicant is entitled to get age relaxation of 5 years since his name was not sponsored for any appointment for the last several years and this has not been considered by the respondents.
- (iii) The applicant submitted his application along with all other documents as prescribed in the notification but since he could not download the application through the mode of applying by online, his application was rejected by the respondents which is arbitrary and discriminatory.
- (iv) Since the applicant's name has been sponsored for appointment in 2002 and 2007, the third respondent ought to have sponsored his name for appointment and not rejected his application on the ground he has not registered his Under Graduate Degree with the Employment Exchange even though he has registered his Post Graduate Degree.
- (v) The applicant has studied B.Ed Degree with Sociology and Psychology as one of the main subject and the same has been formally registered in the Employment Exchange which is not considered by the third respondent even though the applicant possesses Post Graduate Degree in Social work.



3. Per contra the respondents 1 & 2 have filed a detailed reply statement stating that as per the notification dated 2.12.2013, the age limit prescribed is 32 years for the General candidates with 5 years relaxable for SC candidates. The applicant belongs to Scheduled Caste and exceeded normal age relaxation upto 37 (32 + 5) years as prescribed. Hence the applicant had filed this OA seeking additional relaxation of 5 years to participate in the Open Competitive Written Examination held on 2.2.2014 for appointment to the post of Welfare Inspector. This Tribunal by order dated 31.1.2014 directed the respondents to permit the applicant to participate in the written examination and in the selection process if he qualifies in the exam without prejudice to the authorities in scrutinising the application for eligibility of the applicant. The result of the said examination was also directed to be kept in a sealed cover as far as the applicant is concerned until further orders. The applicant accordingly appeared in the said examination and scored overall aggregating to 75 marks (I Paper-39 marks, II Paper-36 marks) as against the cut off marks of 94 and thus not found qualified on merits.

4. Respondent No.3- Employment Exchange has also filed a separate reply statement stating that the third respondent vide letter No.I-22/ADW/ESTT/E1/2011-12 dated 02.12.2013 calling for a panel of names of eligible candidates registered with the Employment Exchange with a Degree of a recognised University with Social Work, Sociology or Psychology as one of the subject for the said recruitment. The Employment Exchange had sponsored a panel of 441 candidates as per seniority and other eligible criteria. The applicant was aged 39 years at the time of recruitment and thus crossed

the age limit of 37 years as on 02.01.2014. Further as per notification, the applicant was not eligible for the post since he did not possess the requisite discipline in the UG Degree. Whenever vacancies are notified to the Employment Exchange, the candidates registered with the Employment Exchange are sponsored as per seniority of registration and other criteria such as age, Educational Qualification indicated in the Notification of vacancies by the Employer. As such, the Employment Exchange is only a sponsoring Agency for job seekers against the vacancies notified by the Employer. Hence the respondent prays for dismissal of the OA.

5. We have heard the learned counsel for the respective parties and perused the pleadings and documents on record.

6. Admittedly, the name of the applicant was not sponsored by the employment Exchange for justifiable grounds of not having registered his qualification under the 'Under Graduate' category and he having crossed 37 years of age. However, by an interim order and subject to the final outcome of the OA, he was permitted to participate in the examination in which he has secured 75 marks while the cut off marks for the reserved category is much higher. Thus, even if non sponsorship by the Employment Exchange and the age limit and both are waived, the fact that he secured less marks than the cut off marks applicable to the reserved category dis-entitles him to be appointed. Apart from the above, the notifying department had sought for in the notification for the essential qualification of UG Degree of Sociology/Social Work/Psychology and the applicant does not fulfil any of the criteria fixed in the notification. Having appeared in pursuance of the notification for the post

of Welfare Inspector and having not succeeded in the examination under the reserved category, this Tribunal does not find any valid ground to grant the relief as prayed for by the applicant in the OA.

7. In the circumstances, the OA is liable to be dismissed and is accordingly dismissed. No costs.