



CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH
KOLKATA

OA No. 1410 of 2013

Reserved on : 18.02.2016
Dated of order: 23.02.2016

PRESENT:

THE HON'BLE MR. JUSTICE V.C.GUPTA, JUDICIAL MEMBER
THE HON'BLE MS. JAYA DAS GUPTA, ADMINISTRATIVE MEMBER

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1. Arun Kumar Ghosh, aged about 40 years 6 months, S/o. Of Mohanlal Ghosh, Trained apprentice in the Trade of Book Binder at present residing at Village and Post Kumarchak, PS. Amta, District. Howrah.
2. Niranjana Manna, S/o. Nimai Manna, aged about 42 years, Trained apprentice in the trade of Book Binder at present residing at Village Post Tulshiberia, Ps. Uluberia, District Howrah, Pin 711401, West Bengal.

.....Applicants

For the Applicants : Mr. C.Sinha, Counsel

1. Union of India service through the Secretary, Ministry of Urban Development, Government of India, Nirman Bhavan, New Delhi-11.
2. Director of Printing, Directorate of Printing, Government of India B Wing, Nirman Bhavan, New Delhi-11.
3. Manager, Government of India, Press 1 Temple Street, Kolkata-700 072.

.....Respondents

For the Respondents : Mr. L.K.Chatterjee, Counsel

For the Respondents : Mr. U.B.Bhattacharyya, Counsel

ORDER

JUSTICE V.C.GUPTA, JM:

Heard learned counsel for both sides and perused the records.

2. The following reliefs have been sought by the applicants:

"(a) Leave under rule 4 (5) (a) of CAT (Procedure) Rules, 1987 be granted to file and maintain this application jointly;

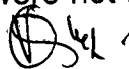
(b) To direct the respondents to consider the candidature of the applicants and allow the applicants to participate in the selection procedure for the post of Assistant Binder;

(c) To direct the respondents to appoint the applicants to the post of Assistant Binder, if they come out successful in the selection process;

(d) Any other order or order(s) as the Hon'ble Tribunal may deem fit."

(extracted as such)

3. The brief facts of this case are that the applicant had undergone the vocational training course under National apprenticeship certificate which was issued in favour of them in March, 2014. The case of the applicants is that on account of ban on recruitment imposed by the Government of India, the entire process of recruitment was stalled and meanwhile the applicants crossed the age limit to apply for a Govt. Service. Some of similarly situated persons filed OA No. 1210/1995 in which the Tribunal directed for consideration about giving age relaxation to the applicants therein while considering the case for appointment in Govt. Of India press and in pursuance of that an order was passed regarding consideration of the candidature. A copy of the order dated 16.12.1994 and 8.5.1998 passed in OA No. 224 of 1994 and RA No. 16 of 1995 on the basis of which the applicants claimed the benefit were said to have been filed at the time of hearing but these judgments were not brought on record. Some of



the Trainee also filed OA No. 1013 of 2007 and 1014 of 2007.


They were also disposed of with the following direction vide order dated 6.12.2007:

"In the interest of justice, therefore, this court directs that all these applicants are at liberty to make applications to the advertisement as per the said notification swell before the due date by virtue of this order and on receipt of such applications, if made, the respondents shall consider the case of the applicants, if qualification and age relaxation is permissible. They will take decision on this aspect and permit the applicants to appear for the examination, if they are otherwise eligible under relaxation quota. The OA is accordingly disposed of. In the circumstance no order is passed as to costs."

4. The recruitment process was started by issuing advertisement in November, 2007. The applicants applied and in anticipation that their candidature may not be considered they preferred OA No. 56 of 2010 which was disposed of with the following direction:

"4. We have considered the issue involved as averred by the applicants that the qualifications are changed and that they have already filed an application before the respondent authorities they will not suit to the age. Considering the entire aspect we direct that the applicants shall make a representation to the respondents for considering the case of the applicants after verification of the records and if the applicants are qualified and their application is received in due date they will be permitted to appear in the interview in relaxation of age."

5. Thereafter, the respondents again advertised several posts for recruitment in Govt. Of India press, Calcutta. The latest notification for employment was published on 28.9.2013 and 04.10.2013 for 36 posts of Assistant Binder. It was contended that the applicants were having the requisite qualification etc for the

 said post except age bar. Applicants applied for the said post in

pursuance of the aforesaid advertisement. But they again apprehended that their candidature may not be considered and, therefore, they filed the present OA. It is important to mention that an order was passed in favour of the applicants in OA No. 56 of 2008. But it is not known whether in pursuance of that order, the applicants moved any representation or not. The learned counsel for the Respondents submitted that the applicants cannot take the advantage of age relaxation as and when the advertisement is issued in future. The applicants have not applied when the advertisement was issued in the year 2007. Therefore, they cannot take the advantage of age relaxation in that recruitment also.

6. On perusal of the reply filed by the respondents it reveals that both the recruitment process of 2007 and 2013 were suspended. The learned counsel for the applicant would submit that the applicants applied for recruitment of 2008 in pursuance of the advertisement issued in the year 2007 and for recruitment of the year 2013 within stipulated period and they are also eligible for being considered except age limit.

7. The recruitment process was initiated in pursuance of advertisement has been suspended. It is not specifically denied by the respondents that applicants have not applied against the post advertised.

8. Hence, we are of the view that if the applicants applied in time in pursuance of advertisement of 2013 and they are eligible to appear in the examination/test/interview except bar of age limit



then the respondents may consider age relaxation of the applicants in accordance with rules keeping in view the ban imposed by the Government of India and suspending the recruitment process of earlier recruitment.

9. This OA is accordingly disposed of. No costs.

(Jaya Das Gupta)
Admn. Member

(Justice V.C. Gupta)
Judicial Member

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