



**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-3570/2019

New Delhi, this the 11th day of December, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

Prakalpa Sharma, aged around : 39
Applied for the post of : Assistant Registrar of Trade Marks and
Geographical Indications, Group 'A' Gazetted
R/o 35, Richmond Park, Sector-6
Vasundhara, Ghaziabad
Uttar Pradesh-201012. ...Applicant

(through Sh. Manish Paliwal)

Versus

1. Union Public Service Commission
Through its Secretary
Dholpur House, Shahjahan Road
New Delhi-110069.
2. Ministry of Commerce & Industry
Department of Commerce
Through its Secretary
Udhyog Bhawan
New Delhi-110107. ...Respondents

(through Sh. R.V. Sinha for R. No. 1 and Sh. Y.P. Singh for R. No. 2)

ORDER(ORAL)

Mr. Justice L. Narasimha Reddy

The Union Public Service Commission (UPSC) issued an advertisement No. 16/2019 inviting applications for selection to



various posts including Assistant Registrar of Trade Marks and Geographical Indications in the office of the Controller General of Patents, Designs and Trade Marks. The upper age limit prescribed for the said post is 30 years. The applicant has crossed that limit by two days, as on the stipulated date.

2. The applicant contends that this very post was advertised in the year 2016 and he applied in response thereto but the Advertisement was withdrawn through a notification dated 09.06.2017. He submits that if his application in response to the said advertisement is treated as valid, he would be in the age limit. Another compliant of the applicant is that the departmental employees are extended the benefit of relaxation whereas it is denied to him, though he worked in the department for three and a half years before he left for another organization.

3. We heard Sh. Manish Paliwal, learned counsel for the applicant, Sh. R.V. Sinha, learned counsel for respondent no. 1 and Sh. Y.P. Singh for respondent no. 2.

4. The applicant has crossed the age limit stipulated in the notification. The first plea raised by him is that his application in response to the notification of the year 2016 must be taken as valid. It is for the UPSC or for the concerned department to take a decision, in this behalf. There are instances where, if an earlier



notification is cancelled, followed by a subsequent notification, a clause is incorporated to the effect that those who applied earlier need not apply afresh. Such a clause does not exist in the instant advertisement. Therefore, the plea of the applicant cannot be accepted.

5. The second plea is that the applicant worked for three and a half years in the department and he is not being extended the benefit of relaxation which is otherwise available for departmental candidates. Had the applicant been in service of the department, he would have certainly been entitled to it. Having worked for three and a half years in that department, he left for a green pasture and thereby, ceased to be an employee of the department. Therefore, the question of extending him the benefit of relaxation does not arise.

6. We do not find any merit in the OA and accordingly the same is dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/