

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

Date of decision: 18-12-2015

CWP No. 8517 of 2014

Raghav Ram	...	Petitioners
Versus.		
Central Administrative Tribunal and others	...	Respondents

CWP No. 8428 of 2014

Pipal Mohammad	...	Petitioners
Versus.		
Central Administrative Tribunal and others	...	Respondents

CWP No. 8505 of 2014

Vijay Uniyal	...	Petitioners
Versus.		
Central Administrative Tribunal and others	...	Respondents

**CORAM:- HON'BLE MR. JUSTICE M. JEYAPPAUL
HON'BLE MR. JUSTICE DARSHAN SINGH**

Present: Mr. J.N. Gupta, Advocate, for the petitioners
Mr. Brijesh Mittal, Advocate for respondents 1 to 4
...

M. JEYAPPAUL, J:

1. This shall dispose of Civil Writ Petitions No. 8517, 8428 and 8505 of 2014.
2. Aggrieved by the rejection of the claim for age relaxation, the writ petitioners have challenged the order passed by the Tribunal.
3. Heard the submissions made on either side.
4. As per the advertisement issued by the contesting respondents, one should have completed 18 years and should not have completed 27 years on the last day of submission of applications for appointment.

5. Admittedly, the writ petitioner, Raghav Ram was 35 years, 3 months and 22 days; writ petitioner Pipal Mohammad was 42 years and 7 months and writ petitioner Vijay Uniyal was 33 years, 3 months and 23 days. The writ petitioners Raghav Ram and Pipal Mohammad belong to OBC category while Vijay Uniyal belongs to general category.

6. As per the terms of the advertisement, the actual years of service put in by these writ petitioners in the Indian Audit and Accounts Department shall be added to the exemption available for them as per category they belong to. After giving exemption as per their category, adding thereto the years of services rendered by them in Indian Audit and Accounts Department, Raghav Ram is short of 3 months, Pipal Mohammad is short of 4 years and Vijay Uniyal is short of 1 year and 7 months. Now, the admitted position is that as per terms of the advertisement, they are ineligible as they are over-age.

7. It was strangely submitted by learned counsel for the writ petitioners that the advertisement has wrongly prescribed the upper age limit as 27 years whereas as per rule, it should have been prescribed as 25 years. Firstly, the fixation of the above age limit is not to the advantage of these writ petitioners. Secondly, no prejudice has been caused to the writ petitioners by taking such a departure from the rules in the matter of fixation of upper age to the benefit of the writ petitioners. Therefore, there is no merit in the above submission.

8. Further, it was submitted by the learned counsel for the writ petitioners that the service put in by the respective writ petitioner upto the date of interview should have been calculated and added to the exemption of age. Such a plea is found to be against the terms of the advertisement which clearly

stipulates that on the last day of submission of the applications, the age bar will be determined. Therefore, we find that there is no merit in the writ petitions and accordingly, the same stand dismissed.

**(M. JEYAPPAUL)
JUDGE**

**(DARSHAN SINGH)
JUDGE**

**December 18, 2015
JS**