

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G. RAMESH
AND
THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P.13385 of 2014
and M.P.No.2 of 2014

S.Govindan

..Petitioner.

Vs.

1. The Union of India rep.
by the Secretary,
Ministry of Defence,
New Delhi.
2. The Director PO(AFC),
AIR Head Quarters,
Vayu Bhawan,
New Delhi - 110 106
3. The Officer Commanding,
AIR Force Station,
Avadi,
Chennai.
4. The Registrar,
Central Administrative Tribunal,
Chennai Bench,
Chennai - 600 104.

..Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus to call for the records on the file of the Central Administrative Tribunal, Chennai passed in O.A.No.1624 of 2011 on 30.08.2013 and the order passed by the 2nd respondent passed in his Proc. Air HQ/ 23049/ 23 ED/PC-3 dated 14.06.2011 and quash the same and direct the respondents 1 to 3 to consider the petitioner for appointment to the post of Luscar or any other eligible post.

For Petitioner : Mr.R.Singaravelan,
Senior Counsel
for Mr.V.S.Jagadeesan

For respondents : Mr.V.Venkatesan,
SCGSC for R1 to R3
R4-Tribunal

O R D E R

(Order of the Court was made by HULUVADI G. RAMESH, J.)

The writ petition has been filed challenging the order of the Central Administrative Tribunal, Chennai passed in O.A.No.1624 of 2011 on 30.08.2013 and the order passed by the 2nd respondent passed in his Proc. Air HQ/ 23049/ 23 ED/PC-3 dated 14.06.2011 and quash the same and direct the respondents 1 to 3 to consider the petitioner for appointment to the post of Luscar or any other eligible post.

2. The case of the petitioner is that he was sponsored through Employment Exchange and was provisionally selected to the post of Luscar in Avadi Air Depot in the interview conducted on 28.03.1985. But to the shock and surprise of the petitioner, an order dated 01.02.1990, issued by the Officer Commanding No.23, Equipment Depot, Air Force Station, Avadi, came to be served on the petitioner stating that the list of persons sponsored by the District Employment Officer, Thiruvallur was withdrawn by the Regional Employment Officer, Chennai, as it was found to be bogus. The same was challenged by the petitioner before the Central Administrative Tribunal in O.A.No.234 of 1990 on various grounds but the said Original Application was dismissed on the ground that it was barred by limitation.

3. The said order dated 01.02.1990 was challenged before the learned single Judge of this Court in W.P.No.17270 of 1991 and the said writ petition was dismissed on merits on 26.08.1997. Against the said order dated 26.08.1997, the petitioner preferred Writ Appeal in W.A.No.675 of 1997 and the same was also dismissed on 31.08.2007. Thereafter, a Review Application was filed and the same was also dismissed on 31.07.2007. Thereafter, the petitioner made various representations for appointment to the post of Luscar. In reply to one such representation dated 12.04.2010, the respondent, vide letter dated 26.04.2010, informed that the petitioner could apply for appointment against the vacancies as and when they are notified in Employment News paper subject to eligibility, terms and conditions. Therefore, the petitioner has filed Original Application in O.A.No.323 of 2011 before the Central Administrative Tribunal to consider the applicant for the post of Luscar or any other eligible post by relaxing the

condition in respect of the age limit and qualification in view of the cancellation of his selection in February 1990 for no fault of the petitioner. The said O.A. was disposed of directing the respondents to dispose of the representation of the petitioner within eight weeks. The 2nd respondent, by order dated 14.06.2011 rejected the request of the petitioner. Hence, the present writ petition is filed.

4. Heard the learned Senior Counsel appearing for the petitioner and the learned Senior Central Government Standing Counsel appearing for the respondents 1 to 3.

5. It appears that originally, the name of the petitioner was considered for selection to the post of Luscar from the list furnished by the Employment Exchange in the year 1985. However, later it was intimated to him that the list prepared was a bogus list and the entire selection was withdrawn as null and void. Thereafter, the petitioner went on filing case after case before the Tribunal and before this Court as well for appointment to the post of Luscar by relaxing his age. The application filed before the Tribunal in O.A.No.323 of 2011 to give one more opportunity directing the respondents to consider the name of the petitioner for appointment to the post of Luscar by relaxing his age came to be rejected by the impugned order. The very basis of rejection of the list furnished by the Employment Exchange is that it was a bogus one. The sponsoring District Employment Exchange had asked the respondent organization not to give appointment to anyone in that bogus list. Though for the above said reason, the list was withdrawn, the Tribunal, for the claim of age relaxation, has given a reasoning that there are no instructions or provisions which would enable such special relaxation.

6. When the Tribunal, having found that there is no scope of relaxation of age to consider the case of appointment of the petitioner, we do not find any fault in the reasoning given by the Tribunal and it may not be appropriate to open the matter afresh, when it is not a fit case for consideration and by no stretch of imagination could it be said that the order passed by the Tribunal is beyond the scope of law.

7. With the above observation, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

vsi

To

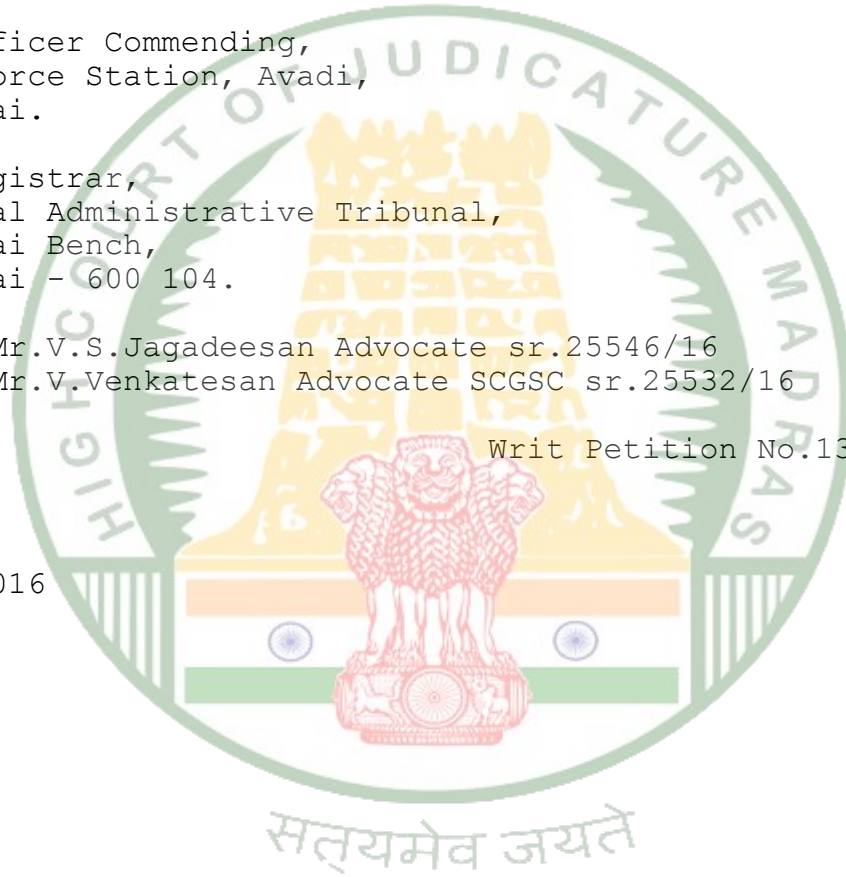
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+1 cc to Mr.V.S.Jagadeesan Advocate sr.25546/16

+1 cc to Mr.V.Venkatesan Advocate SCGSC sr.25532/16

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