



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CWP No.10021 of 2018 (O&M)

Date of Decision: 22.01.2025

Comptroller and Auditor General of India and others

...Petitioners

Versus

Central Administrative Tribunal, Chandigarh and another

...Respondents

**CORAM: *HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA*
*HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA***

Present:- None for the petitioners.

Service upon respondent No.1 dispensed with
vide the order dated 02.06.2022.

None for respondent No.2.

SANJEEV PRAKASH SHARMA, J.(Oral)

No one appears either for the petitioners or for respondent
No.2.

2. It is a case where respondent No.2 approached the Central Administrative Tribunal and prayed that he may be considered for appointment on absorption and challenged the action of the respondent in rejecting his case holding him ineligible as he had crossed 56 years of age as on 07.03.2012. It was his contention that he had applied under the Indian Audit and Accounts Department (Assistant Accounts Officer/Assistant Audit Officer) Recruitment Rules, 1989 and the Recruitment (Amendment) Rules, 2001 for SAS examination 2011 and cleared the same. It was argued



that Clause 11 of the Recruitment Rules, 2012 which limits the maximum age to 56 years for appointment by absorption, was applicable as on the closing date of the application which was August 2011. The applicant was less than 56 years of age as on August, 2011. Considering his arguments and taking into consideration that he had appeared in the examination on several dates and ultimately qualified in March, 2015 and had put in lot of efforts to qualify the examination, his efforts could not be allowed to go waste. The CAT allowed his OA and directed that he should be considered for appointment. The Department is in writ petition and it is stated that the respondent had passed all the papers in 2015 after availing eight chances while he had attained the age of 56 years on 08.03.2012. He was, thus, ineligible to appear in the subsequent examinations after 2012. This Court had dismissed the writ petition on 19.07.2018 in the open Court whereafter certain doubts crept in and were clarified and the order of 19.07.2018 was recalled. Notice was issued and the operation of the order passed by the CAT was kept in abeyance vide the order dated 29.08.2018.

3. We notice that the respondent-applicant would have retired in 2016 as he was 59 years when he filed the OA. Thus, after retirement, there was no occasion to give the retrospective appointment on deputation. We also find that the order by the CAT is based more on emotions than on facts and law. It is right in law that for each examination conducted in 2011, 2012, 2013, 2014 and 2015, separate applications would have been invited. Thus, in March, 2015 exam when the application would have been invited, the respondent would have crossed the age of 56 years. He was, therefore,



ineligible in terms of Clause 11 of the Recruitment Rules, 2012. The order passed by the CAT, therefore, cannot be said to be sustainable in law and is accordingly set-aside. The OA is dismissed and the present writ petition is allowed.

4. All the pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

22.01.2025
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(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned: Yes
Whether Reportable: Yes