
(2010) 09 P&H CK 0234
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 17773-CAT of 2010

Ajit Singh

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 30-09-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 09 P&H CK 0234

Hon'ble Judges : Ritu Bahri, J; M.M. Kumar, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

M.M. Kumar, J.—The instant petition filed under Article 226 of the Constitution is directed against order dated 25.11.2009 (P-1), passed by the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (for brevity, "the Tribunal"), rejecting the claim made by the Petitioner that being an Ex-serviceman he is entitled to appointment to the post of Welder.

2. The case pleaded by the Petitioner is that he has obtained apprenticeship training from the Indian Railways from 12.4.1977 to 11.4.1979 and thereafter joined the Indian Army where he served upto 30.4.2004. According to the learned Counsel, the Petitioner is entitled to the benefit of instructions dated 12.12.1980, as clarified on 18.10.1985. The instructions dated 12.12.1980, has, inter alia, provided that the Ex-serviceman who has put in not less than six months continuous service were to be given relaxation in the age limit to the extent of period of service plus three years in the case of apprentice. It has also been clarified that the age relaxation would be subject to the over-riding condition that in no case the age would exceed 35 years, which was later on clarified by instructions dated 18.10.1985 to be 40 years.

3. The Tribunal has non-suited the Petitioner on the ground that he has become over age as he was over 40 years on the date of application. Both the aforesaid

instructions, on which reliance has now been placed, were not relied before the Tribunal. Those instructions would also not advance the case of the Petitioner because the fact remains that the maximum age limit prescribed even after relaxation is 40 years. The Petitioner was admittedly more than 43 years on the last date of filing the application. Therefore, even if the instructions are permitted to apply to the case of the Petitioner, he will still be over-age. There is, thus, no merit in the instant petition. Dismissed.