



GOVERNMENT OF NCT OF DELHI
Delhi Subordinate Services Selection Board
FC-18, INSTITUTIONAL AREA, KARKARDOOMA, DELHI-110092
Website: www.dsssb.delhigovt.nic.in

No. 114/Rectt./M(T)/DM (T)/DM (P)/ ZRO/int. Cell/DSSSB/2017-18/210-15

Dated: 17/08/2020

ORDER

Whereas the Delhi Subordinate Services Selection Board had declared a result for the post of Manager (Traffic) Post Code-25/15 in Delhi Transport Corporation vide Result Notice No. 371 dated 13.03.2019. Further, the candidates who were not found eligible as they did not possess the requisite qualification /experience /age etc. had been rejected vide Rejection Notice No. 375 dated 14.03.2019.

2. Whereas, as per advertisement No.01/2015, the prescribed age limit for the post of Manager (Traffic), Post Code-25/15 is 18-35 years for UR/Gen. Relaxation in upper age limit- SC/ST/OBC/Departmental Candidates/Govt. Servants/ExSM- As per DoPT guidelines.

3. Whereas, **Sh. Prashant Kumar (Roll No. 13700222) under UR, DGS category** had applied for the post of **Manager (Traffic) Post Code-25/15** in Delhi Transport Corporation and his candidature was rejected for being overage. The candidate had submitted representations dated 18.03.2019 & 08.11.2019 and stated that he is working in Delhi Transport Corporation as Manager (Traffic) on Contract Basis. He has further stated that para-6 of advertisement no. 01/2015 clearly shows that age relaxation to Departmental candidate with atleast three years continuous service in Central Govt./Govt. of Delhi are allowed extent of age concession upto 05 years for Group 'B' posts (which are in the same line or allied cadres and where a relationship could be established that the service already rendered in a particular post will be useful for the efficient discharge of the duties of post). Sh. Prashant Kumar has also referred Services department letter vide O.M. dated 11.06.2019 & 10.07.2019 under subject relaxation in upper age limit to the contractual employees working under Govt. of NCT of Delhi at the time of regular appointment on direct recruitment basis.

4. Whereas, the candidate, **Sh. Prashant Kumar (Roll No. 13700222) under UR category** was **36 years 08 months 25 days** as on the closing date of receipt of applications i.e. on **26.11.2015** being his date of birth as 01.03.1979, he was overage by **01 year 08 months 25 days**. The candidate, Sh. Prashant Kumar, however, applied under UR, DGS category and claimed relaxation in age as Departmental candidate as he has working in DTC on Contract basis. The user department i.e. DTC vide letter dated 28/02/2020 has issued age relaxation certificate wherein it has been mentioned that Sh. Prashant Kumar Roll No. 13700222 is working as Manager (Mechanical/Traffic) on contract basis in this corporation w.e.f. 12.10.2011 to till date and he is accordingly

allowed for extending the age relaxation for the post of Manager (Traffic), post Code-25/15 in DTC w.e.f. 12.10.2011 to 26.11.2015 (04 years 04 days) as against actual requirement 01 year 08 months 25 days i.e. cutoff date fixed for receipt applications by DSSSB in accordance to O.M. dated 11.06.2019 as well as circular dated 10.7.2019 issued by Special Secretary (Services), GNCTD in this regard being a departmental candidate.

5. The Circular dated 10/07/2019 states in para 3 (1) that **"The clause of relaxation in upper age limit to the contractual employees in accordance with OM dated 11.06.2019 be invariably indicated while sending requisitions for direct recruitment quota vacancies"**.

6. Whereas, the user department has not provided any provision in the recruitment rules for age relaxation to the Contractual employee, the recruitment to the post of Manager (Traffic) has been done as per provisions given in the recruitment rules for educational qualification / experience/ age limit etc. The referred O.M. dated 11.06.2019 and circular dated 10.07.2019 is issued after declaration of result for the post code-25/15. The said office memorandum dated 11.06.2019 and 10.07.2019 are applicable prospectively for the vacancies to be advertised after that date. It cannot be made applicable retrospectively for the vacancies notified in 2015.

7. Further, the recruitment process for the post code-25/15 had already been closed before issuance of the O.M. dated 11.06.2019 & Circular dated 10/07/2019. The result of the above post code was declared on 13.03.2019. The statutory provisions in the RRs cannot be overruled by simple ex-post facto administrative orders and hence, the rejection made by the DSSSB is justified & correct. The user department i.e. Delhi Transport Corporation had already been informed that recruitment process for the post of Manager (Traffic) Post Code-25/15 has been closed vide closure report dated 19.03.2019.

8. Therefore, after considering the representations dated 18.03.2019 & 08.11.2019 in compliance of the directions passed by the Hon'ble CAT in O.A. No. 147/2020 dated 16.01.2020, the rejection of candidature of Sh. Prashant Kumar (Roll No. 13700222) was found in order and correct. Hence, the aforementioned representations submitted by the candidate stand disposed of accordingly.

9. This issues with the approval of Competent Authority and in compliance of the directions of Hon'ble CAT in O.A. No. 147/2020.


Dy. Secretary, DSSSB

No. 114/Rectt./M(T)/DM (T)/DM (P)/ ZRO/int. Cell/DSSSB/2017-18/2010-15

Dated: 17/08/2020

To

Sh. Prashant Kumar S/o Sh. Pramod Kumar,
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