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Central Administrative Tribunal, Principal Bench

Original Application No.1311 of 2000

New Delhi, this the 29th day of March, 2001

Hon'ble Mr.Kuldip Singh,Member (J)
Hon'ble Mr.M.P.Singh,Member(A)

Shri S.S.Bhadauria
Son of Shri R.P.Singh
R/o Barrack No.23,Quarter No.3
National Stadium
New Delhi-1

- Applicant

(By Advocate - Shri A.K.Trivedi)

Versus

Sports Authority of India(SAI)
through its Secretary
Jawahar Lal Nehru Stadium
Lodhi Road Complex
New Delhi-3

- Respondents

(By Advocate: Shri M.K.Gupta)

O R D E R (ORAL)

By Hon'ble Mr.Kuldip Singh,Member(J)

Heard both sides.

2. The applicant who is an aspirant of the post of Junior Accountant has assailed circular dated 22.9.99 at Annexure "A". He has also assailed circular dated 5.6.2000 at Annexure "B". The main grievance of the applicant is that basic requirement for the post of Junior Accountant is B.Com and the respondents, by invoking the power of relaxation, have permitted even the simple graduates who are not having B.Com degree to compete in the Limited Departmental Examination (in short "LDE"). Learned counsel for the applicant states that this exercise of power for relaxation of qualification from B.Com to General Degree of graduation is illegal and has been done by the Director General without being duly empowered for

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the same.

3. Second ground taken by the applicant is that circular dated 5.6.2000 inviting applications for the post of Junior Accountant has not reached to him. On both these grounds, the applicant has prayed for quashing and setting aside Annexure "AA" and Annexure "AB".

4. Learned counsel for the applicant submitted that it is only the governing body who is empowered to relax the conditions of educational qualification. In support of his contention, he referred to clause 45 of the service bye-laws of Sports Authority of India (in short "SAI"). To our mind, the said bye-laws are not applicable in the present case as they are general in nature whereas clause 7 of the recruitment rules which have been framed under these bye-laws empower the Director General to relax any of the provisions of these rules with respect to any class or category of persons, if he is of the opinion that it is necessary to do so.

5. Learned counsel for the respondents referred to the recruitment rules which are at Annexure R-2 (page 72 of the paper book). We have compared the bye-laws as well as recruitment rules. Clause 45 of the bye-laws on which the applicant has relied upon, is general in nature and deals with power of relaxation for the purpose of amending or modifying the bye-laws whereas the recruitment rules at Annexure

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R-2 specifically deal with the posts of Finance and Accounts department and these are called Sports Authority of India (Finance and Accounts) Staff Recruitment Rules, 1992. Therefore, these are the relevant rules which deal with the recruitment to the post of Junior Accountant and they do contain Clause 7 which provides that Director General is empowered to exercise the power for the purpose of relaxation of any of the provisions of these rules.

6. Besides that, learned counsel for the respondents Shri Gupta explained how there was a need to relax the provisions of recruitment rules particularly with regard to educational qualifications. He submitted that before this relaxation, there was an inspection by the Staff Inspection Unit (in short "SIU") of the Ministry of Finance and they found various categories of employees in surplus but as far the post of Junior Accountant was concerned, there was a shortfall of 35 persons. Therefore, in order to adjust the surplus staff, the Director General had exercised its power of relaxation so that the employees declared by the SIU as surplus, could be saved from retrenchment.

7. Under these circumstances, we find that the power to relax the qualifications for the purpose of recruitment to the post of Junior Accountant has been exercised with a noble motive and not in arbitrary manner. It is also seen that this power of relaxation has been exercised by the competent authority i.e. the Director General who is empowered as per Clause 7

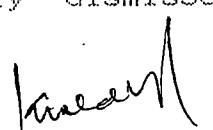
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of SAI (Finance and Accounts) Staff Recruitment Rules, 1992 to relax any of the provisions of these rules. We find no fault with the decision of respondents in relaxing the conditions of educational qualification from B.Com to General Degree of Graduation. Therefore, we hold that Annexure "AA" vide which this power has been exercised is quite valid.

8. As regards annexure "AB", the only grievance of the applicant is that it has not reached to him. However, from the endorsement at the bottom of this circular, it is clear that this was forwarded to all Divisions, Heads of all Units, Centres and Sub-Centres and as such, there is no possibility that this circular might not have reached in the Division/Unit where the applicant was working at the relevant time.

9. In view of the above discussion, we find no merit in this O.A. which is accordingly dismissed. No costs.

(M.P. Singh)
Member(A)


(Kuldip Singh)
Member(J)

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