

RESERVED

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

ORIGINAL APPLICATION NO.455 OF 1998.

ALLAHABAD THIS THE 14th DAY OF March OF 2007

HON'BLE MR. JUSTICE KHEM KARAN, VICE-CHAIRMAN

HON'BLE MR. P.K. CHATTERJI, MEMBER-A

1. Komal Singh, son of Bhagwan Singh.
2. Mohd. Sahil, son of Allah Bax.

.....Applicants

(By Advocate: Sri S. Dwivedi)

Versus

1. Union of India through General Manager Northern Railways Baroda House, New Delhi.
2. Divisional Railway Manager, Northern Railway, Allahabad Division, Allahabad.
3. Divisional Sports Officer, Northern Railways, Allahabad Division, Allahabad.

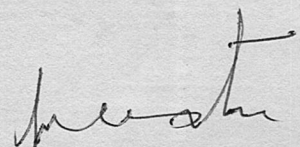
.....Respondents

(By Advocate: Sri P Mathur)

O R D E R

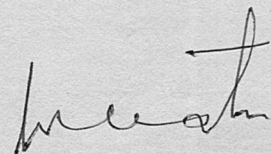
By Mr. P.K. Chatterji, A.M

This O.A has been filed by two applicants Sri Kamal Singh and Mohd. Sahil, both were sons of Railway Employees and they were selected for representing the Football team of Railway Division of Allahabad from the year 1992. They were selected after a trial conducted by Divisional Sport Officer and thereafter necessary instructions were issued to the concerned authorities so that the applicants were allowed to play in the football team of the division in the Inter divisional competition. In the year 1993, the Divisional Sports Officer vide a letter dated 15.3.1993 directed the applicant to participate in the Som-Cup Inter Departmental Football Tournament.



2. It has been stated by the applicant that they were duly selected by the respondents against sports quota on Allahabad Division. The respondents, it is alleged, were always holding out hope to the applicants that whenever vacancies would arise they would be issued appointment letters. However, no such appointment letter was issued. It has been further stated by the applicants that when they made a representations to the Northern Railway Headquarters, the Headquarter office sent a letter dated 18.4.1995 to the Divisional Sports Officer under D.R.M Northern Railway to examine the case of appointment of the applicants in group D against Sports Quota. A copy of the letter is attached to the O.A. as Annexure 4.

3. The respondents, it is stated, however, neither informed the applicants nor took action towards their appointment. Another representations dated 18.2.97 was made by the applicants to the General Manager, Northern Railways. However, the respondents did not send any reply to the representations. On the other hand the applicants were surprised to find that an advertisement dated 18.2.98 was issued in Amar Ujala inviting applications for Football Team players Allahabad Division and a trial was stated to be fixed on 7.3.1998. The applicants approached the respondents not to hold the trial for outsider candidates before giving them appointment, but without paying any heed to the request the respondents went ahead with the Trial and selected some of the candidates on the basis of Trial.



4. The applicants have approached this Tribunal with request for directing the respondents to issue appointment letter to the applicants treating them in service since 1992 and pay them arrears of salary. The other relief sought was to stay action on the advertisement dated 18.2.1998 which however is totally irrelevant after all these 8 years. The grounds on which the relief has been sought is that from 1992 on wards the applicants were regularly representing with Division in Football tournament and therefore the respondents should not make any appointment from outsiders before giving appointment to the applicants. Also cited as a ground was that the respondents having selected the applicants to represent the team in football, had no right to make a second selection in Football quota before giving appointment to the applicants.

5. In the counter affidavit The respondents refuted the claim of the applicants stating that merely participating the divisional team did not entitle an individual to claim appointment in group D category against sports quota. As to the fact of authorizing the applicants to represent the official team and the authority for issue of Railway pass in their favour, the respondents have stated that certain employees and their ^{wards} ~~words~~ were required to represent the Inter Divisional Football Championship for which they were issued necessary passes. It did not confer any right. The respondents have also denied that any invitation was issued from the office of the respondents to the applicants for recruitment as Football Players against an advertisement.

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6. While hearing the case on 22.9.2005, the Tribunal had directed that for adjudication of the case, the following details should be placed by the respondents:-

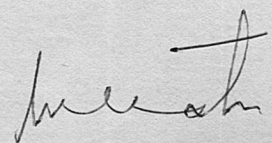
- "A. Total number of posts under sports quota year-wise from 1992 upto 1998.
- B. Number of candidates considered for such appointment during the relevant period.
- C. Whether the applicants name were considered during these relevant period.
- D. The action taken by the respondents in respect of a communication dated 18.4.1995 (Annexure 4 to the O.A.)".

7. The respondents submitted the information and clarified as follows:-

"That so far as quarry NO.1 is concerned, the year wise break up and details of posts (game wise) is as under:-

Total number of posts under the sports quota year wise from 1992	Year	Number of posts under the sports quota	Details of posts (game wise)
	1992-93	03	Badminton-01, Athletics-02
	1993-94	04	Volleyball=02 Athletics=01, Wt. Lifting-01
	1994-95	02	Athletics-02
	1995-96	05	Badminton -02 TT 01 Cricket-01 Wt. Lifting=01
	1996-97	04	Wt. Lifting=02 Cricket-01 Athletics-01
	1997-98	07	Football =03 Cricket=02 Volleyball -01 Badminton-1

6. That so far as the quarry No.2 is concerned, it is submitted that before 1997, there was no system of recruitment of sports person in Indian Railway through an open advertisement. Till then, the selection of sports person were done through talent search. From 1997-98, the recruitment was started through open advertisement, during 1997-98 a total of 72



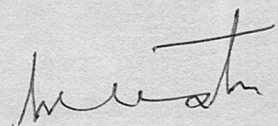
persons who had applied for selection trial for football were called for trial test but only 55 candidates appeared for trial. The applicant Sri Komal Singh had appeared in football trial test held on 07.03.1998 before the Committee consisting of DSE-1, Allahabad, DAO (Sports Officer), Allahabad and DEE TRD Allahabad but since the applicant failed to qualify the trial test hence he could not be selected for the Railway services. So far as the Mohd. Sakil is concerned, his candidature for appointment against sports quota in Football in the year 1993 could not have been considered due to non-availability of the vacancy.

7. That with regard to quarry NO.3, it is submitted that the applicant has represented that he was allowed to play Football match in the year 1992 for which he was given Railway passes. He has further stated that he was not appointed in group 'D' against the sports quota despite his request to the Higher Authorities. In this context, it is to inform that as per Railway policy, passes on sports account may be issued to family members/dependent relatives of Railway Employees as and when consider necessary. Sri Komal Singh, the applicant was the son of a Railway employee and was allowed to be a part of the team. In any case, merely playing a match for the Railway does not entitle a person to be absorbed in Railway as an employee. Requesting higher authorities for recruitment against sports quota does not offer any appointment which is governed by laid down rules and regulation. For giving an appointment in Railways in Group 'D' services, the following requirements are necessary :-

- (a) Person should apply on proper application form as advertised.
- (b) Person should qualify the age group as specified
- (c) Person should have requisite academic qualification as per advertisement.
- (d) Person should have requisite sports qualifications as per advertisement.
- (e) Person must qualify the trial test and viva voce accordingly".

8. Let us now see whether all points and question raised by the applicants have been answered in the above submissions.

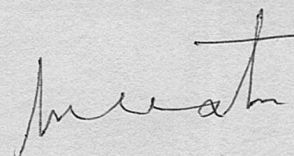
At para 7 of the R.A. it has been stated by the applicants that there was no provisions in the Rules for allowing the wards of employee to play on behalf of the Railways without selection. The question is under what rules, the applicants played as wards of employees to represent the Divisional level team.



Secondly the applicants stated that from 1992 onwards they were playing as wards of employees on behalf of the Railways, obviously there weren't enough departmental players to play for the teams. Under such circumstances will denying appointment to the applicant on the grounds of non-availability of vacancies be justified.

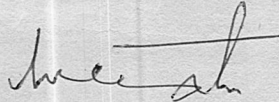
9. Looking at the submissions through the Supplementary counter affidavit, we find that from 1992-1993 upto 1996-1997 there was no vacancy in football quota. For these reasons, the respondents could not consider the applicants' for selection. Regarding the practice of playing wards of employees, the respondents stated that as per railway policy passes on sports account could be issued to family members/depending relatives of Railway employees as and when necessary. We presume that by making this statement the respondents are making an averment that engaging wards of employees to represent official teams in the tournaments was not de hors the rules and we decided not to probe the matter further.

10. Although it is unfortunate for the applicants, there was no vacancy in the football quota between 1992-1993 to 1996-97. Perhaps the respondents were not unfavourably disposed towards the applicants. However, due to non-availability vacancy in the football quota they could not be considered for selection.

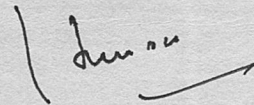
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11. The saving grace, however, is that the applicants were given a chance to display their skills before the selections for which a trial was conducted on 7.3.1998. Sri Komal Singh one of the applicants appeared in the trial but failed to qualify the test the other applicant did not appear in the trial. It is, therefore, not the fact that the respondents did not offer the applicants any chance at all. Much though we sympathize with the applicants, on the basis of the abovementioned facts however, we are unable to provide any relief to the applicants by allowing this O.A.

12. The O.A. is therefore, dismissed with no order as to costs.



Member-A



Vice-Chairman

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