

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH

ALLAHABAD.

Allahabad this the 01st day of August 2001.

Original Application no. 130 of 1998.

Hon'ble Mr. S. Dayal, Administrative Member

Hon'ble Mr. Rafiq Uddin, Judicial Member.

Noel Yadav,
S/o Sri SN Yadav,
R/o 789, Kamal Singh Colony,
Issai Tok,
Jhansi.

... Applicant

C/A Sri RK Nigam

Versus

1. Chairman, Railway Board, Rail Bhawan,
NEW DELHI.

2. Union of India through General Manager,
Central Railway,
MUMBAI CST.

3. Divisional Railway Manager,
Central Railway,
JHANSI.

... Respondents

C/Rs. Sri AV Srivastava



... 2/-

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O R D E R

Hon'ble Mr. S. Dayal, Member-A.

This OA has been filed for a direction to the respondent no. 1 to direct his subordinate officials to issue appointment order immediately in Group 'D' to the applicant on the basis of Board's approval as well as HQrs letter dated 15.11.1996.

2. The applicant claims that he joined Railway Institute Club Jhansi in 1989-90 and has been an active member of the club ~~as~~ from that date on-wards. He was given certificates of honour in the year 1989-90 for having played in District Football Tournament as right back for Jhansi Railway Institute Club as well as for Jhansi Heroes Sport Club. He applied for appointment to Group 'D' post in 1990. He was adjudged suitable for Group 'D' category by Divisional Sports Officer. But since all the four vacancies in group 'D' had been filled up 1 vacancy was sought to be released by the Head Quarter as a special case. It is claimed that the matter of appointment of the applicant was putup before General Manager. It appears their no orders were passed and the applicant was again asked to report to Assistant Sports Officer, Mumbai for trial to adjudge his potential. He was tried alongwith Central Railway Football team and was found fit for recruitment by the Football coach. By then the applicant had attained the age of 28 years. The applicant claims that there is a provision for relaxation of the age limit for out standing sportsman against sports quota as contained in circular letter no. E(NG)11/82/RR-1132 dated 24.2.1983. The applicant ~~has~~ sought relief

in the back ground of these facts.

3. We have heard Sri RK Nigam learned counsel for the applicant and Sri AV Srivastava learned counsel for the respondents.

4. Learned counsel for the respondents has drawn attention to para 5 in which it has been mentioned that the 2 certificates of the same tournament in the same year could not have been in relation to the applicant. It has also been mentioned that the case of the applicant has been put up on 21.11.1990 before the competent authority, but it was not found, fit for consideration. It is stated that the recommendation of the coach on 7.6.1990 was that the applicant with a little bit of practice and coaching can reach ~~the~~ Central Railway Football team (annexure A-5). Thus the applicant's level is that of a local sportsman and was not good enough to include in the Central Railway team. It has been stated that the recommendation in the year 1996 was not accepted because the applicant has been reached the age of 28 years.

5. We find that there are no orders on annexure A-6 which is placed on 21.11.1990 and the claim of the applicant that his appointment was approved by the General Manager ^{has been} negatived by the respondents without producing any documentary proof. Similarly the recommendation made to Secretary Railway Sports Control Board, Rail Bhawan, New Delhi by Assistant Sports Officer (Ann. A-9) appears to have remained in limbo as no order

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or letter of the Railway Board to the said proposal has been annexed by the respondents.

6. Since there is provision for relaxation of age for out standing sportsman, the competent authority is directed to consider the case of the applicant under the norms for induction of out standing sportsman by granting age relaxation, if the applicant is found eligible. This shall be decided within 3 months from the date of receipt of copy of this order and the applicant shall be informed. The OA is decided accordingly with no order as to costs.

D. N. Mehta
Member-J

H. K. Patel
Member-A

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