

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH

Original Application No.245 of 1992

Tapen Kumar Mukherjee ::::: Applicant

Vers us

Union of India
and Others ::::: Respondents

Hon'ble Mr. S.Das Gupta, A.M.
Hon'ble Mr. T.L. Verma, J.M.

(By Hon'ble Mr. S.Das Gupta, A.M.)

The relief prayed for in this Original Application under section 19 of the Administrative Tribunals Act, 1985 is that a direction in the nature of mandamus ^{be issued} commanding the respondents to issue an appointment letter to the applicant.

2. Brief facts of the case giving rise to this application are that the applicant is a Graduate from Banaras Hindu University and is also a very good Football Player, having represented the University in the year 1986-87 and also having participated in the National Championship held in April, 1990. The respondent no.2 and 3 selected the applicant for appointment in the Indian Railways against the Sports quota in the year 1989-90. The applicant ^{has since been} playing for North Eastern Railway in the Inter Divisional and Inter Railway Championship. He was selected for the Inter Divisional Football Tournament held from 25.10.1990 to 11.11.1990. He is being treated as a regular employee but, despite

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this he has not yet been given appointment. The petitioner also alleged that one Sri Birendra Singh was also selected alongwith petitioner against the Sports quota in the year 1989-90 and the said Birendra Singh ^{has} ~~is~~ already been appointed and thus, he is being discriminated against by not being similarly appointed.

3. The facts of this case are not in dispute. It is admitted that the applicant was selected for appointment in Class IV in Sports quota under the D.R.M., North Eastern Railway, Varanasi but, the applicant could not be given appointment so far, since his turn has not yet come. The respondents have assured the applicant that he will be given appointment in the sports quota. The respondents have denied that Sri Birendra Singh was either selected or given appointment in the sports quota. The applicant, however, reiterated his allegations regards Sri Birendra Singh in his rejoinder-affidavit.

4. We have heard the learned counsel for the parties and perused the records.

5. It is not in dispute that the applicant was selected for appointment against sports quota. It has been clearly mentioned in the footnote to the communication dated 22.8.1990 (Annexure A-1)

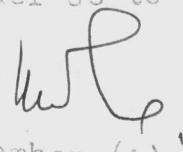
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that the applicant was selected for appointment in the Sports quota in the year 1989-90 and necessary action for his appointment is in progress. The contents of this Annexure have not been specifically denied by the respondents. It has also not been denied, that the applicant had been representing the North Eastern Railway in various Football tournaments. More than four years have passed since he was selected for appointment against the Sports quota for the year 1989-90. It is therefore difficult to accept the contention of the respondents that they are waiting for vacancy to occur in the Sports quota for absorption of the applicant. It is manifestly unfair to make the applicant represent the Railways in various Football tournaments on a promise that he would be appointed against Sports quota and doing nothing to redeem the promise. Infact the respondents have not stated what happened to the vacancy in the Sports quota for the year 1989-90 against which the applicant is stated to have been selected as transpires from the communication dated 22.8.1990 (Ann. A-1).

6. In view of the foregoing, we direct the respondents to appoint the applicant against a suitable post without any further delay, and in any case, not later than four months from the date of communication of this order.

7. The application is disposed of with the above directions without any order as to costs.


Member (J)


Member (A)

Allahabad, Dated 4 ^{April} ~~March~~, 1994

/M.M./