

CENTRAL ADMINISTRATIVE TRIBUNAL, ALIHAABAD

DATED : ALIHAABAD THE 13TH DAY OF DECEMBER? 1995.

QUORUM : Hon'ble Mr. T. L. VERMA? MEMBER-1
Hon'ble Mr. D. S. RAWEJA, MEMBER-A.

Original Application No. 873 of 1995.

Noel Yadav aged about 27 years, son of Shri
S.M. Yadav, Resident of 789, Kamal Singh Colony,
Khati Baba, Jhansi.....Petitioner.
(By Advocate Sri R. K. Nigam)

Versus

1. Union of India through General Manager, Central
Railway, Bombay V.T.
2. Divisional Railway Manager, Central Railway,
Jhansi.
3. Divisional Sports Officer, Central Railway,
Jhansi.

.....v. Respondents.

ORDER (Oral)

(By Hon. Mr. T. L. Verma, Member-1)

This application under Section 19 of the
Administrative Tribunals Act, 1985 has been filed
seeking a direction to the respondents to appoint
the applicant for Class IV Group 'D' Post against
Sports Quota.

2. Sri Ramesh Tripethi, Divisional Sports
Officer, by his letter dated 7.6.1990 requested the
Divisional Sports Officer, Central Railway, Jhansi

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to consider the possibility of releasing one post from Headquarter to enable him to consider the case of the applicant for appointment in 1990 against Sports Quota. The applicant appears to have been put to trial for judging his suitability for the appointment. Headquarter, however, did not release the post for appointment to the applicant and referred back the matter to Divisional Sports Officer for considering the appointment of the applicant against the Divisional Quota.

3. Learned counsel for the applicant states that now that quota for the subsequent years is available for appointment of the applicant and he having qualified in the trials held, at Bareilly, he should be ordered to be appointed against the Sports Quota.

4. The appointment against Sports Quota are made in terms of guide-lines issued by the Railway Board. Since the appointment against Sports Quota are not made by open competitive examination in accordance with Rules, it follows that person^{is} who ~~are~~ appointed against Sports Quota should be best in his discipline. Suitability or otherwise of the candidate is determined by the Committee of experts on the basis of his current form and excellence of the candidate in his discipline compared to other aspirants. The applicant was subjected to trial for selection against the post for creation of which steps had been taken. The post, however, was not sanctioned. That being so, direction for his appointment on the basis of trials held in 1990 can not be issued. It is clear from the material on record that the applicant has not been subjected to trial for selection against sports Quota of subsequent years. That being so,

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~~Applicant~~, we are, not in a position to say that the
applicant is still ^{suitable and} within the age group making him
eligible for such appointment.

5. In view of the above it is not possible for us either to admit this application or issue a direction to the respondents, to appoint the applicant as prayed for. We however, leave it to the discretion of the competent authority to consider the case of the applicant in accordance with the guide-lines issued by the Railway Board, from time to time for considering the appointment of the applicant against Sports quota.

6.. In view of the above observation, this application is disposed off.

A. K. Singh
Member-A.

J. M. Sharma
Member-J

Pandey/-