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CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH, CUTTACK

O.A.NO.123 OF 2001
Cuttack, this the 5th day of July, 2004


Sri Mal Mallikhajuna Rao Applicant

Vrs

Union of India and others Respondents

FOR INSTRUCTIONS

- 1) Whether it be referred to the Reporters or not? No
- 2) Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No


(M.R. MOHANTY)
MEMBER (JUDICIAL)


(B.N. SOM)
VICE-CHAIRMAN

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CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN
AND
HON'BLE SHRI M.R.MOHANTY, MEMBER(JUDICIAL)

.....

Sri Mal Mallikhajuna Rao, aged about 22 years, son of Sri M.Seemaiah, At
Kottaveedi, P.O.Palasa, Dist.Srikakulam, State Andhra Pradesh

..... Applicant

Vrs

1. Union of India, represented through its Chairman, Railway Board, New Delhi.
2. General Manager, South Eastern Railway, Garden Reach, Kolkata.
3. Divisional Railway Manager, South Eastern Railway, Khurda Road, P.O.Jatni, Dist.Khurda.
4. Sports Officer, South Eastern Railway, Khurda Road, P.O.Jatni, Dist.Khurda.
5. General Secretary, South Eastern Railway Sports Association, Khurda, P.O.Jatni, Dist.Khurda.
6. Girija Sankar Ray, S/o Jasobanta Ray, At Doulasahi, P.O.Tulasipur, Town/Dist.Cuttack 8

..... Respondents.

Advocates for the applicant

- M/s M.Mishra, D.K.Pattnaik,
S.Senapati, B.B.Mohanty.

Advocates for Respondents

- Mr.D.N.Mishra *
M/s S.Mohanty, S.S.Tripathy &
S.K.Mohapatra.

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ORDER

SHRI B.N.SOM, VICE-CHAIRMAN

1. Shri Mal Mallikhajuna Rao by filing this Original Application has prayed for quashing of the selection list dated 6.4.2001 (Annexure 5) for recruitment to the post Group D (Class IV) against the sports

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quota (Shuttle Badminton) for the year 2000-2001 and for a direction to the Respondents to hold selection through proper Selection Committee.

2. The grievance of the applicant is that the Respondents have not constituted a Selection Committee in terms of the rules framed in this regard. As the Trial Committee under the Recruitment Committee was not constituted with qualified coach/expert, it vitiated the selection process and therefore, the selection made is liable to be quashed. He ^{has} also alleged that the Recruitment Committee had violated the rules as enshrined in the circulars issued by the Respondent-Department.

3. We have heard Mr.M.Mishra, learned counsel for the applicant and Shri D.N.Mishra, learned Standing Counsel for the Railways.

4. The Respondents have denied the allegations made by the applicant. They have submitted that the Recruitment Committee was constituted strictly according to the instructions of the Railway Board in this regard. The Respondents have given full particulars of the members of the Committee who were put in the Trial Committee. None of the averments made by the Respondents has been rebutted/contradicted by the applicant by filing rejoinder. During oral argument also, the applicant could not bring out any deficiency either in the functioning of the Trial Committee/Recruitment Committee or its constitution. These being the facts of the case, we see no merit and accordingly dismiss the O.A. being devoid of merit.

(M.R.MOHANTY)
MEMBER(JUDICIAL)

(B.N.SOM)
VICE-CHAIRMAN