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BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL, BOMBAY BENCH
Registration O.A.No. 33 of 1991

Manikchandra P.Nath ... Applicant

Vs.

The General Manager, S.E.Rly.
& Others Respondents.

CORAM:

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. M.Y. Priolkar, Member (A)

APPEARANCE:

Sri R.G. Deshpande for the applicant &

Sri P.S. Lambat for the respondents.

ORAL JUDGMENT:

(PER: Hon'ble Mr. Justice U.C. Srivastava, V.C.)

Dated: 11th March, 1992.
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By means of this application the applicant has challenged the respondents action in the matter of appointment made in the sports quota ignoring the claim of the applicant. According to the applicant he applied dated 14.5.87 in pursuance of the advertisement/issued by the respondents for selection in the sports quota. The applicant was interviewed twice but was not selected in the sports quota for cricket, whereas two candidates from football quota were appointed. According to the applicant the appointment should have been made of one candidate each from cricket, hockey and football and athletes. However ignoring the claim of the applicant two appointments were made. It has been stated by the applicant that he was an excellent player in the game of cricket and he has been playing for the benefit of South Eastern Railway Workshop, Nagpur. He was also registered as a Cricket Player in South Eastern Railway

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Workshop, Nagpur team with the Vidarbha Cricket Association, League, Nagpur since the year 1978. Although only the employees of South Eastern Railway can represent the South Eastern Railway team in the Vidarbha Association League matches. But in order to show ^{the} that applicant's name is registered with the Vidarbha Cricket Association the applicant has filed an entry form submitted by the authorities to the Vidarbha Cricket Association on 19.9.87. wherein the name of the applicant is shown at serial number.14. Thus according to the applicant he was the son of an Railway employee and his services were utilised for the purposes of participation in the match as an employee by the Railway Administration itself, and in the hope that ^{as} his services were being utilised the applicant may get the employment, and in the hope and believe the applicant has been obliging them. But when the occasion arose the applicant has not been selected with the result that now he has become overage although in the sports quota he could have been selected, and instead of selecting him they have ^{cut down} ~~cut down~~ the one post.

2. Learned counsel for the respondents placed before us the written instructions on the basis of which he says that he has filed a written statement which is not available. In the said instructions dated 5.7.1991 in which it has been said that that it is the policy of the Railway Administration to encourage wards of Railway employees even though they are ordinary players, just to give them an opportunity to improved their game. But this does not mean that they are expert players. In the trials conducted by the panel of selectors also he secured far below average rating. As it was decided that only two appointments ~~should~~ be made and that is why third

appointment was not made, and the applicant not having been found fit the appointment was not given to him.

3. The contention on behalf of the applicant ^{is} that wherever necessity arose the services of the applicant which could not have ~~otherwise been~~ ^{been} utilised unless he was utilised as he was the employee, but when the question of making him employee arose ~~he has been thrown out~~ ^{he has been thrown out}. Although the applicant has not succeeded in making out the case for appointment in view of the fact that he ^{it} has been said that ~~he was~~ ^{not} found up to the ^{mark} bar by the Selection Committee and ^{one} post was curtailed, ^{no} ~~no~~ direction can be issued that he may be appointed. It may be that in cricket quota he ~~failed~~ ^{performed} well and, but as the post has been reduced he cannot claim the post. However, in view of the fact that the applicant's services have been utilised and the applicant has played for the Railway Administration it is desirable for the railway administration that they may consider the applicant for appointment to a suitable post.


Member (A)


Vice-Chairman.

11th March, 1992, Nagpur.

(Sph)