

(49)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.NO.560/92

Date of Judgment: 9.8.95

BETWEEN:

Ch.SRINIVASA RAO

APPLICANT

AND

1. Ministry of Finance,
Dept. of Revenue,
New Delhi.
2. Collector, Customs & Central Excise,
Basheerbagh,
Hyderabad-29.
3. The Deputy Collector (P&V),
Customs and Central Excise, Collectorate,
Hyderabad-29.

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI J.VENUGOPALA RAO

Counsel FOR THE RESPONDENTS: SHRI V.RHIMAN

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMIN.).

.....

O.A.NO.560/92

JUDGMENT

Dt: 9.3.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri J.Venugopala Rao, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. This OA was filed praying for declaration that the Employment Notice published in the Employment News dated 10.10.1992 issued by the Deputy Collector (P&V), Customs and Central Excise Collectorate, Hyderabad is illegal as it is contrary to the circulars of the Central Government in No.14015/1/16-Estt.D, dated 4.8.1980 and No.14034/4/85-Estt.D, dated 18.9.1985 and to direct the respondents to add all the 25 disciplines of games/sports in Annexure.A of the Employment Notification referred to supra.

3. As per Annexure.A of the notification referred to, applications were called for from the meritorious sportsmen in the discipline of Volley Ball, Badminton, Foot Ball, Basket Ball, Cricket, Athletics and Table Tennis, for appointment to the three posts and one ex post of UDC under the sports quota. The

contd....

P-28

(49)

.. 3 ..

applicant alleges that he is a meritorious sportsman having proficiency in cycling and ball badminton. It is also alleged that the applicant participated in the 33rd Junior National Ball-Badminton Championship held at Jaipur in 1987 by representing the A.P. State and he participated in the 45th Senior National Cycling Championship, 1990 held between 25.4.1990 to 29.4.1990 conducted by the Andhra Pradesh Cycling Association affiliated to Cycling Federation of India held at Hyderabad.

4. The grievance of the applicant is that while as per the circulars dated 4.8.1980 and 18.9.1985 of the Central Government, candidates who are meritorious in 25 disciplines referred to therein have to be made eligible for the posts under the sports quota, Annexure.A of the notification of the Deputy Collector referred to has to be ^{has to be} supra/held as illegal, for it was limited only to few of the disciplines.

5. As per the interim order of this Bench, the applicant was called for the written test and the interview.

6. It was pleaded for the respondents that as the Collectorate required candidates in some of the disciplines.

contd...

B.S.V.

50

.. 4 ..

plines so as to enable the said Collectorate to represent in some of the disciplines, they limited the notification to the disciplines required and the circulars of the Central Government referred to do not indicate that it is necessary to call for the candidates in all the disciplines referred to therein for filling up the posts in the sportsmen quota, and the ~~applicants~~ applications can be called for from among the disciplines referred to in those circulars depending upon the necessity in ~~the~~ each discipline in regard to the concerned office.

7. As the applicant was permitted to appear for the written test and also the interview as per the interim order of this Tribunal, we felt that if the applicant succeeds, then it is necessary to consider the merits, and if he fails in the written test and/or the interview, there is no need to consider in regard to the merits. Accordingly, the respondents were directed to submit to this Bench as to whether the applicant succeeded or failed.

8. Today, the letter C.No.1/10/69/91-CAT, dated -2-95 of the office of the Collectorate of Central Excise, Hyderabad is produced by the learned standing counsel for the respondents. It is stated therein that the applicant's position after the interview is at Sl.No.21 (21st rank) while there were only 3 posts

contd.....

A. J. A.

(51)

.. 5 ..

of Inspectors and one ~~ex~~ post of UDC for which those who got ranks 1 to 3 were selected for the posts of Inspectors and the one who got 6th rank was selected for the post of UDC.

9. Hence, ~~if~~ even if the contention for the applicant is going to be accepted, he ~~sh~~ould not have been selected and hence it will be an exercise in futility if the contentions referred to in this OA are going to be considered. Hence, we are leaving open the same for consideration as and when they arise.

10. In the result, the OA is dismissed. No costs./

(R.RANGARAJAN)
MEMBER (ADMN.)

(V.NEEL)
VICE C

DATED: 9th March, 1995.
Open court dictation.

Depu

To vsn

1. The Secretary, Govt.of India, Ministry of Finance, Dept.of Revenue, New Delhi.
2. The Collector, Customs and Central Excise, Basheerbagh, Hyderabad-29.
3. The deputy Collector (P& V) Customs and Central Excise, Collectorate, Hyderabad-29.
4. One copy to Mr.J.Venugopala Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

15/03/95
23/3/95