

(8)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:ADDITIONAL BENCH: AT
HYDERABAD

O.A.NO. 953 OF 1994

Between:-

■ Shaik Kareemullah. ... Applicant
And

The Union of India, rep. by its
Secretary to Government, Ministry of
Finance (Dept. of Revenue),
Central Board of Direct Taxes,
New Delhi and another. ... Respondents

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Hyderabad,
Dated: 28-7-1994.

[Signature]
Counsel for the Applicant.

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M/s NOOTY RAMA MOHANA RAO,
Pratap Narayan Sanghi,
K S V Subba Rao,
Abhinand K Shavili &
Siva,
Advocates,
714-B, Brindavan Apartments,
Niloufer Hospital Road,
Red Hills, Hyderabad: 500 004.

2) PARTICULARS OF THE RESPONDENTS: As stated in the above Cause Title and the addresses for service of all notices and processes on the above named respondents are also the same as furnished in the above cause title.

3) PARTICULARS OF THE ORDER AGAINST WHICH APPLICATION HAS BEEN MADE:

Aggrieved by the non-selection of the Applicant herein to the post of Income Tax Inspector against posts reserved for recruitment of meritorious sports persons, the applicant above named begs to present this Original Application.

Subject matter in brief:

Against the 3 posts of Income Tax Inspectors advertised, the Applicant submitted his application for recruitment. He is not selected. Aggrieved by his non-selection, he is filing the above Original Application.

4) JURISDICTION: The Applicant declares that the subject matter against which he wants redressal is well within the jurisdiction of this Honourable Tribunal under Section 14 of the Administrative Tribunals Act, 1985.

(3)

Application filed Under Section 19 of the Administrative
Tribunals Act, 1985

O A NO

953

OF 1994

Date of Filing :-

Registration No :-

REGISTRAR

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ADDITIONAL BENCH
AT HYDERABAD

O A NO

953

OF 1994

Between:

Shaik Kareemullah,
S/o (late) Sri Shaik Basha,
aged about 32 years,
presently working as
Lower Division Clerk,
O/o The Assistant Commissioner (Admn.)
Circle I, Income Tax Department,
Hyderabad, resident of Hyderabad

..APPLICANT

And

1. The Union of India,
reptd by its Secretary to Government,
Ministry of Finance (Dept. of Revenue)
Central Board of Direct Taxes,
New Delhi.

2. The Chief Commissioner of Income Tax,
Andhra Pradesh, Jayakar Bhawan,
Basheerbagh, Hyderabad : 500 029

3. Sri R. Jayakar

4. Sri P. Prabhakar

5. Sri P. Appanah

DETAILS OF APPLICATION

Income Tax Inspector, AP

Chq Commissioner of Revenue, AP

Particulars of the Appellant (5000)

RR 3 is an untraded
with order of the Hon'ble
Tribunal dt. 30.3.95
and made in MA 102/95

As stated above in the cause title and the address
for service of all notices and processes on the above
named applicant is that of his Counsel.

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5) LIMITATION:

The Applicant further declares that the Application is well within the limitation period, prescribed in Section 21 of the Administrative Tribunals Act, 1985.

6) FACTS OF THE CASE:

(i) The Applicant respectfully submits that he has obtained his M.A. (Economics) Degree from the Andhra University in the year 1984. He also obtained his B.Ed Degree from Annamali University by correspondence. For his participation in the National Cadet Course, the Applicant was awarded 'C' Certificate by the National Cadet Corps during his collegiate days. The Applicant is a keen performer in Sports and Games from his very young age and he inculcated the habit *avidly* by undergoing rigorous training. The Applicant has taken to the Sport "POWER LIFTING". The Applicant was the Junior State Champion in the State of Andhra Pradesh for 1984, 1985 and 1986. He was also participating in the Senior Level State Champion Competitions in Power Lifting. For the past 11 times, he was the Senior State Champion for the state of Andhra Pradesh.

(ii) The Applicant respectfully submits that Government of India has taken up promotion of Sports and Games in a big way with a view to encourage young and talented individuals to take up various disciplines of Sports and Games in our country, as a policy decision.

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It has been identified by the policy makers that a provision of certain percentage of vacancies in Group 'C' and Group 'D' posts in Government of India Departments would go a long way in encouraging talented sportsmen to take and improve upon their ability. In persuance thereto, the Department of personnel and Administrative Reforms, Ministry of Home Affairs has circulated an Office Memorandum No 14015/1/76-Estt(D) dated 4.8.1980. It has been emphasised that the Head of the Department may recruit meritorious sportsmen to Class III or Class IV (now reorganised into Group 'C' and Group 'D' posts, respectively) subject to the provisions contained in the aforementioned Office Memorandum. The Government of India, through the said Office Memorandum specified the eligibility criteria for appointment of Personnel under this scheme. The extent of ~~XXXXX~~ recruitment and the procedure for such recruitment were also specified. These comprehensive instructions hold the field as a general guidelines to be adopted and followed by all the Ministries/Departments. To the aforementioned Office Memorandum, a list of Games/Sports which qualify meritorious Sports Persons for consideration for appointment to Group 'C' and Group(D) posts under the Central Government have also been annexed. It will be interesting to notice that as many as 40 games/ Sports items have been specified therein. At item Sl No 26, Power Lifting has been specified. The Ministry of Finance has also been circulating the necessary instructions for guidance by the appointing authorities. While generally reiterating the Office

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Memorandum dated 4.8.1980 issued by the Department of Personnel and Administrative Reforms has to be followed overall, it has been circulated by the Central Board of Direct Taxes through their communication in F.No.A-12034/17/88-ADVII dated 23.12.1988. Through this circular, the procedure to be followed for filling up the vacancies meant to be filled up by meritorious sportsmen has been set out in detail. Suffice for it for the present to say that the Central Board of Direct Taxes letter dated 23.12.1988 in parametrea, is in confirmity with that of the policy decision of the Government of India referred to supra. Further the letter dated 23.12.1988 of the Central Board of Direct Taxes sets out that for determining the proficiency in Sports, the levels at which candidates have participated in the respective disciplines and their current form should also be taken into account. For this purpose, the candidates should also be subject to practical/field tests to be conducted by an expert in the respective disciplines. A list of candidates in the order of their ranking should be drawn up. It is all that the circular would say. It will be, thus, relevant to notice that the meritorious sports persons have to be necessarily ranked in the order of their merit ranking, based upon their current form, coupled with the levels at which the candidates have been performing. This appears to be not only a fair and reasonable construction that is liable to be followed and placed in the Circular dated 23.12.1988 of the Central Board of Direct Taxes, but should be the most reasonable way of construing the policy decisions of the Government of India.

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(iii) The Applicant respectfully submits that he was offered as an L.D. Clerk in the unit of the Chief Commissioner of Income Tax, Andhra Pradesh, Hyderabad, through a Memo dated 3.12.1986. He has been appointed under the Sports Quota. The Applicant accepted the same and after due verification of the antecedents, he was found fit for appointment and he was apparently appointed as an L D Clerk in the Income Tax Department during May, 1987. The Applicant, thus, was working as an L D Clerk in the income Tax Department eversince.

(iv) The Applicant encouraged greatly by the assistance and unstinted cooperation extended by his Departmental Officers, has been training vigourously and has been improving upon his performance in the field of Sport chosen by him viz., POWER LIFTING. The Applicant stood 7th in 110kg weight class of XV Senior Men National Power Lifting Championship held at New Delhi from 23.8.1989 to 26.08.1989. The Senior Power Lifting Championship was conducted by the National Power Lifting Federation and Mahanagar Telephone Nigam Limited Central Sports and Cultural Board, New Delhi. In so far as the State of Andhra Pradesh is concerned in the 110kg weight class, the Applicant is the Senior Champion eversince and he has been improving / upon his performance. Currently he is the State Level Record Holder in his class. He is bettering his own record every time. Even at the National Level, the performance of the Applicant was continuing to improve. In the XVIth National

Power Lifting Championship conducted at Alappuzha, Kerala from 17th to 20th August, 1990, the Applicant secured 5th place in the 110kg weight class and the total lift recorded by him was 605 kgs. The Applicant has also participated in the Power Lifting Championships held at Salem, Tamilnadu between 9th to 13th October, 1991 and secured 6th position at the National level. In the XVIIIth National Power Lifting Championship held at Durgapur, West Bengal between 13th to 16th October, 1992, the Applicant was figured 4th with a total lifting of 625 kgs in the 110 kg weight class. Infact, the Applicant was one of the 6 persons short-listed for the panel selection trials for Indian Men and Women ~~and~~ Federation Cup of Power Lifting Championship ~~xx~~ held at Bombay on 28th and 29th February, 1992. The Applicant finished 4th in the 110 kg weight class at the First Federation Cup Power Lifting Championship. (The Pre-^{Asian} Indian Power Lifting Selections 1992-93). The applicant lifted a total of 625 kgs in the said competition.

(v) The Applicant has also participated in the XIXth National Power Lifting Championship for men held at Mangalapuram, ~~Karnataka~~ Karnataka in August, 1993. The total lift of 617.5 kg in the 110 kgs class by the applicant visited him 5th figure at this National Level Competition. The Applicant has improved upon this further during the A.P. State Senior Power Lifting Championships, 1993 held at Nizamabad. He has touched all time new record of 625 kgs in these competitions. It will also be relevant to point out here that on

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3.7.1994, the Hyderabad District Power Lifting Association conducted championships at Hyderabad in which the Applicant has bettered his own record by lifting in all 630 kgs. The same apart from being his new state record, it has equalled the third position recorded in the country. Apart from these senior Level Championships in which the Applicant has been participating with merit and distinction, the Applicant has also participated in the All India Civil Services Tournaments held in the years 1988-89 and 1989-90, respectively. On both the occasions, he secured several Medals by standing 2nd in the competitions and in token recognition of his distinguished Sports Career, the Income Tax Department has gracefully awarded him two advance increments in his services as an L D Clerk to the Income Tax Department. The Applicant further respectfully submits that the next round of Senior Level National Championships are going to be held in August, 1994 at Madras, for which the Applicant is receiving extensive coaching and training so as to improve upon the 3rd position lift in the country. The Applicant is confident that he would end up as a Medalist this time at the National Level.

(vi) While matters stood thus, the 2nd Respondent who is the competent authority has identified certain posts of Inspectors of Income Tax, U D Clerks and L D Clerks in his unit to be filled up by meritorious sportsmen. Accordingly, a notification was issued in all leading newspapers on 30.12.1991 inviting applications from meritorious

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Sportsmen. One post of Income Tax Inspector, 3 posts of U.D. Clerks and 2 posts of L D Clerks have been notified. The Applicant has submitted his application for the post of Inspector of Income-Tax in pursuance to this advertisement. However, further process of recruitment could not be completed. In the meantime, few more vacancies appear to have been identified for being filled up by meritorious Sports Personnel. Consequently yet another notification was issued inviting applications to be submitted on or before 30.09.1993. In the revised schedule, 3 posts of Inspectors of Income Tax and 5 posts of U D Clerks and 3 posts of Stenographers and 3 posts of L D Clerks have been notified. It was made clear that such of those candidates who have already submitted their applications in pursuance to the notification published earlier need not submit their applications once again all over. The eligibility criteria for being recruited to the posts notified, in so far as post of Inspector of Income-Tax is concerned, it will be relevant for our enquiry in this case is that a candidate must possess a Degree from a recognised University or an equivalent qualification. Candidates were required to be within the age group of 22 to 30 years. In so far as the departmental candidates are concerned, relaxation of the upper age limit is admissible as per the Rules on the subject. It was made clear in this notification that for determining the proficiency in the Sports and levels at which the candidates have participated in their respective disciplines and their current form will also

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be taken into account. In pursuance to the selection process initiated, a written test was conducted on 30th January, 1994 between 3.00PM to 5.00PM. The Applicant was one of the successful candidates who have been short-listed for being interviewed. The candidates who secured substantially high marks in the written examination alone will be shortlisted for the interview test. For purposes of determining the proficiency of the individual in the Sports and also for purposes of determining their current form, the selection trial was conducted on 6th July, 1994, the Applicant has been subjected to this proficiency test at the Lalbahadur Stadium, Hyderabad under the supervision of a coach belonging to the Sports Authority of India, the supreme Sports Body in our country. During this proficiency test, the Applicant has again touched a total lift of 645 kgs mark and this new bench mark has been obtained by the Applicant largely due to the encouragement given by the officers of the Department who were present to this proficiency trial test and who kept on encouraging the applicant in performing better. Thus, encouraged by this, the Applicant could achieve this new mark of 645 kgs lift for the first time. If the same performance is maintained by the Applicant, he would end up in the Medals tally at the Senior National Level Championships this year, in as much as the total lift of 645 kg in the power lifting Sport is almost the one that will be the second or the third best mark. Thus, the applicant could satisfy all concerned with regard to his current form and also convince about his proficiency in this.

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Sport. The Applicant has also been subjected to an interview test held on 8.7.1994. In all, 11 candidates have been shortlisted for this interview test on 8.7.1994. Even during the interview test, the Applicant could perform satisfactorily and established that he is likely to improve upon his performance in the sport further ~~fully~~ duly bringing in lawrels not only to the Department, but also to the nation in International competitions henceforth. The Applicant has received fairly encouraging signs ~~by~~ during the course of his interview. Consequently he was confident that he would be one of the candidates to be selected for appointment as an Inspector of Income-Tax.

(vii) However, unfortunately for the Applicant, 4 candidates appear to have been selected as against the 3 posts of Inspectors of Income Tax notified. The Applicant has been informed that the 4 candidates selected represent that 2 candidates representing the item games of Vollyboll and Hockey have been selected and that the Applicant has not been selected for the present. The Applicant respectfully submits that out of the 4 candidates selected/representing ^{one person} ~~from which field~~ to the nation at an international Sporting event undoubtedly and he is richly deserves selection to appointment. But, however, the other 3 candidates have not been currently performing/representing either the state or the country. Of them 2 candidates are internal candidates who are already employed with the Income Tax Department at

Hyderabad. Both of them appeared to have played Hockey at Senior Level long time back and that was not in the recent past. Therefore, apart from the levels at which they have played the sport, what is relevant to be noticed is their current form and efficiency which have to be assessed. Such of those who maintain their current form alone deserve to be appointed in as much as amongst the claimants, those who have been performing at present cannot be ignored. Infact, such of those sports-persons who also retain their current form, form into a separate class of their own. The applicant ~~respectfully~~ respectfully submits for purposes of being recruited against the quota posts reserved for meritorious sports persons, two vital points needs to be satisfied, one is the level of participation such as International Meets, National Level Senior Championships, Inter-University Sports-Meet, National Level Junior Championships, National Level School Games, etc and another that the sports personnel should maintain their current form. If the current form is such that it is fairly high, such personalities have to be necessarily encouraged by being appointed against the posts reserved for sports personnel. It would ultimately enable the Department to send up their representatives to the National Level or International Level Competitions. For instance, sports persons recruited as Inspectors now, in the event they end up winning Medals at the senior national level, the laurels brought by the individuals would also be shared by the Department concerned apart from the state which they were representing. Thus, equal importance and significance has to

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be attached to the current form, the sportsman has. De-hors this, the selections cannot be finalised. The Applicant apprehends/genuinely that his claims have not been properly assessed or considered for being recruited as an Inspector of Income Tax. He also apprehends that the current level of form which he maintained during the efficiency test held on 6.7.1994 has not apparently been taken into account. The Applicant has touched a new peak of 645 kgs lift which by the present standard is the same as Nation's third best rank. The Applicant genuinely believes the same to be true and correct that the other sports personalities who have been subjected to the interview test on 8.7.1994 have not maintained such a high percentage of current form. In that comparative assessment therein, it is the Applicant who ought to have been selected and appointed and not the other 3 candidates who have been selected and appointed, barring the one who has represented the International Meet. The applicant respectfully submits that it is he who alone that deserves to be appointed against one of the posts of Inspectors of Income Tax reserved for sports personnel and not certainly the 3 other individuals who have merely participated in a meet past at some ^{nomic} national level sports meet. It is unfair, improper and irregular to have denied selection in favour of the applicant. The denial of the selection in f-avour of the Applicant is directly in violation of the fundamental rights guaranteed to him under Articles 14 and 16 of the Constitution of India. The Applicant res-

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pectfully submits that while he is not opposed to genuinely meritorious sports-persons to be selected by way of encouragement against sports quota of posts, the Applicant is aggrieved that currently performing sports personnel should not and ought not be ignored in the selections. Hence this Original Application.

7. REMEDIES EXHAUSTED: The Applicant hereby declares other effective alternative remedy except to invoke the jurisdiction of this Hon'ble Tribunal seeking appropriate redressal for his grievance.

8. MATTERS NOT FILED/PENDING: The Applicant further declares that he has not filed any suit/Writ Petition/Application before any court of law, nor is there any such case pending before any court of law.

9. MAIN RELIEF: It is, therefore, necessary in the interests of justice that this Hon'ble Tribunal may be pleased to

(a) call for the records relating to and connected with the selection of candidates for the posts of Inspectors of Income Tax to be filled by meritorious sportsmen, undertaken by the 2nd respondent and selections of which were finalised on 8.7.1994 and declare them as bad to the extent of non-selection

of the Applicant for the said post; and to quash Selections of impleaded respondents 3 to 5 as illegal, arbitrary, unconstitutional and it is in violation of the Conditions laid down in the Circular No.

(b) consequently direct the respondents to consider A-12034/178
and treat the applicant as to have been selected to

VII dt: 23-12-1
a

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the post of ~~as~~ Inspector of Income Tax and on that basis direct the respondents to appoint the applicant as an Income Tax Inspector on and from the date on which the selections have been finalised and selected candidates have been appointed on 8.7.1994 with all consequential benefits such as pay fixation, arrears of pay and other benefits attached to the post and to pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Anticipatory
10. MATE/RELIEF: It is also prayed that this Hon'ble Tribunal in the interests of justice be pleased to direct the respondents 1 and 2 herein to consider and appoint the applicant as an Inspector of Income Tax against any of the vacancies which are likely to arise in the immediate future, pending disposal of the above O.A. and to pass such other further order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

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12. PARTICULARS OF THE POSTAL ORDER:

- a) Name of the Post Office
- b) No of postsl Orders
- c) Value of the Postal Order
- d) Date of the Postal Order

Khairatabad Post Office
806949184
50/-
11/7/94 *P.O. B.E.D.O. Rem*

13. ENCLOSURES: Index, Postal order, Vakalat, Annexures and Covers.

VERIFICATION

I, Sk Kareemullah, S/o(Late) Sri Sk Basha, aged about 32 years, presently working as LDC O/o The Asst.Commissioner (Admn) of Income Tax, Circle I, Hyderabad, do hereby verify and state on oath that the contents hereinabove are true to the best of my knowledge and that I have not suppressed any material facts therein.

Sk. Kareemullah
COUNSEL FOR THE APPLICANT

Hyderabad
Dated: 16th July, 1994

Sk. Kareemullah
SIGNATURE OF THE APPLICANT

No.14015/1/76-Estt. (D)
Government of India/Sharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)
-:00o:-

New Delhi, the 4th August, 1980

OFFICE MEMORANDUM

Subject: Appointment of meritorious Sportsmen to Group 'C' and 'D' posts in relaxation of the procedure.

General Scheme:

Under this Department's O.M.No.14/1/72-Estt. (D) dated 28-12-72 orders were issued that the Secretary of the Ministry/Department of the Head of Department under it may recruit a meritorious Sportsmen to a Class III or Class IV service/post (now Group C&D) in the Ministry/Department/Establishment, as the case may be, direct recruitment to which is made otherwise than through a computative examination held by the Union Public Service Commission, subject to the provisions contained in that O.M. with the coming into being on the Staff Selection Commission, recruitment to group 'C' posts have generally to be made through the Staff Selection Commission. The entire policy of recruitment of sportsmen in various Departments/Offices has since been examined and the following orders are issued for providing for relaxation of recruitment rules to the extent mentioned below:

1. ELIGIBILITY:

- a) Appointments under these orders can be made of a sportsmen considered meritorious with reference to the following criteria:
 - i) Sportsmen who have represented a State or the Country in the National or International competition in any of the games/sports mentioned in the list at Annexure (A).
 - ii) Sportsmen who have represented their University in the Inter-University Tournaments conducted by the Inter-University Sports Board in any of the sports/game showing the list at Annexure 'A'.
 - iii) Sportsmen who have represented the State Schools Teams in the National Sports/games for schools conducted by the All India School Games Federation in any of the games/sports shown in the list of Annexure 'A'.
 - iv) Sportsmen who have been awarded National Awards in Physical Efficiency under the National Physical Efficiency Drive.

b) No such appointments can be made unless the candidate is, in all respects, eligible for appointment to the post applied for, and in particular in regard to age, educational or experience, qualification prescribed under the Recruitment Rules applicable to the post, except to the extent to which relaxations thereof have been permitted in respect of class/category of persons to which the applicant belongs.

2. POSTS TO WHICH APPLICABLE:

a) Appointments of meritorious sportsmen can be made to any post in Group 'C' or Group 'D' which under the Recruitment Rules applicable thereto, is required or permitted to be filled by direct recruitment, otherwise than through the Union Public Service Commission.

b) No such appointment shall be made to any post in Group 'A' or Group 'B' by direct recruitment.

c) A meritorious sportsmen can be considered for appointment under sub para (a) above, notwithstanding the fact that he is already in the service of the Government.

d) In coming appointments to any post under the Government by promotion, no preference shall be given to meritorious sportsmen though that fact may be taken into account in assessing the overall merit.

3. EXTENT TO SUCH RECRUITMENT:

a) Ministries/Departments of Government of India can recruit meritorious sportsmen in any year in relaxation of the recruitment procedure, to the extent that these including all other reservations under existing orders do not exceed 50% of the total number of vacancies proposed to be filled by direct recruitment.

b) For the purpose of making appointment of meritorious sportsmen, the appointing authorities may at their discretion notify to the Staff Selection Commission, in all cases where the recruitment to the posts have been entrusted to that Commission, vacancies reduced by upto 5% thereof and may fill such vacancies so held back by appointing meritorious sportsmen subject to the overall limitations mentioned in sub-para (a) above.

4. SENIORITY:

Where sportsmen are recruited through the Employment Exchange or by direct advertisement and are considered alongwith other general category candidates, they may be assigned seniority in the order in which they are placed in the panel for selection.

Where recruitment to a post is through a selection made by the S.S.C., whether by a competitive examination or otherwise, the sportsmen recruited by the departments themselves should be placed enable junior to those who have already been recommended by S.S.C. The Inter-se-seniority of sportsmen will be in the order of selection.

5. PROCEDURE:

- a) An application received by the appointing authority or a higher authority from a sportsmen belonging to any of the categories mentioned above, may be considered by the Ministries/Department or the Head of the Department, as the case may be, in light of the evidence which the applicant may furnish of his having represented in any of the competitions mentioned in the previous paragraphs, and subject ~~to~~ also to the applicant fulfilling the requisite qualifications relating to education, age etc., as may be laid down in the rules for the post/service for which he is a candidate. Normally certificates awarded should alone be taken into account while considering the eligibility of an applicant in terms of above paragraphs. Appointments may be made of such a candidate after the Ministries/Departments or Head of the Department, as the case may be, is satisfied about the eligibility of the candidates under these orders as well as his suitability for the post in all respects. Where the appointing authority is subordinate to a Head of Department, such authority may make a recommendation in this regard to the head of the Department, alongwith the necessary details, for obtaining his concurrence in the proposed appointment of the candidate.
- b) The orders contained in those O.M. will not affect the orders relating to reservation for SC/ST and Ex-servicemen which may be inforce from time to time. In other words, the vacancies filled in accordance with these orders in a year shall be taken into account in calculating the total number of vacancies in the service/post during that year for purpose of applying the reservation orders.

6. These orders apply to all Ministries and Departments of Government of India including the Ministry of Railways and Communications (P&T) and any existing Scheme if any of the Ministries/Departments shall, from the date of issue of these orders, be subject to the conditions and restrictions herein specified, except to the extent of such modifications as may be accepted by Government in view of special circumstances prevailing therein.

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7. A consolidated annual statement showing the number of sportsmen of the eligible categories appointed to Group 'C' and Group 'D' posts/service in a calendar year may be sent to the Welfare Division of the Department of Personnel by each Ministry/Department in the proforma given in Annexure 'C' by the 31st March, of the following year.

8. Provisions contained in this O.M. supersede all instructions issued from time to time in the past, on the subject.

Sd/-
(J.K. SARMA)
DIRECTOR

To

1. All Ministries/Departments including U.P.S.C., C.V.C., Election Commission, Planning Commission etc. etc.
2. All Union Territories, Government/Administrators.
3. All attached/subordinate offices of the Ministry of Home Affairs and Department of Personnel and Administrative Reforms.
4. All Sections of Ministry of Home Affairs/Department of Personnel and A.R.
5. All Staff Side Member of the National Council.

Copy also forwarded for information:

1. The Secretary, Railway Board, Ministry of Railways.
2. D.G. of Posts & Telegraphs, New Delhi.
3. C&AG, New Delhi, with the request that they may consider the desirability of issuing similar instructions to offices under their control. It is also requested that information in the proforma in Annexure 'C' (may be furnished to this Department Welfare Division) so that the total number of meritorious sportsmen recruited during a year may be worked out.
4. C.A.O., Office, Ministry of Defence, CS.II Section, Department of Personnel and Administrative Reforms. They may consider the question of extending of these orders to posts in CSSS/CSGS and AFG Clerical Service and AFG Stenographers Service.

Sd/-
(J.K. SARMA)
DIRECTOR

// true copy //

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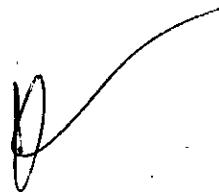
20 (28)

A P P E N D I X

LIST OF GAMES/SPORTS WHICH QUALIFY MERITORIOUS SPORTS PERSONS FOR CONSIDERATION FOR APPOINTMENT TO GROUP 'C' AND 'D' POSTS UNDER CENTRAL GOVT.

1. Archery	21. Kabaddi
2. Athletics (including Track and Field events)	22. Karate-DO
3. Atya-Patya	23. Kayaking and Canoeing
4. Badminton	24. Kho-Kho
5. Ball-Badminton	25. Polo
6. Basketball	26. Powerlifting
7. Billiards and Snooker	27. Rifle Shooting
8. Boxing	28. Roller Skating
9. Bridge	29. Rowing
10. Carroms	30. Soft Ball
11. Chess	31. Squash
12. Cricket	32. Swimming
13. Cycling	33. Table Tennis
14. Equestrian Sports	34. Taekwondo
15. Football	35. Tenni-koit
16. Golf	36. Tennis
17. Gymnastics (including Body-Building).	37. Volleyball
18. Handball	38. Weight lifting
19. Hockey	39. Wrestling
20. Judo	40. Yatching

// true copy //



A-2 21/9/88

F.No.A-12034/17/88-Ad.VII
Government of India
Ministry of Finance
(Department of Revenue)
(Central Board of Direct Taxes)

New Delhi, the 23rd Dec. 1988.

To

All Heads of Departments under Central Board of Direct Taxes.

SUB: Recruitment of Meritorious Sportsmen to Group 'C' and 'D' posts in the Offices under the Central Board of Direct Taxes.

Sir,

Attention is invited to instructions contained in Board's earlier letter F.No.A-12026/28/79-Ad.VII dated 11-1-1980, F.No.A-12026/20/80-Ad.VII dated 29-11-1980 and F.No.A-32018/2/86-Ad.VII dated 14-11-1986 on the above mentioned subject. The Board have again examined this issue and have decided that the following procedure should be adopted while making of meritorious Sportsmen in future:-

- i) The vacancies available for recruitment against the sports quota should be determined in various Group 'C' and 'D' cadres, having regard to the percentage laid down in the scheme for recruitment of meritorious sportsmen and also other general instructions issued in this regard.
- ii) The requirement of sportsmen in various sports/games should be identified, also keeping in view the need for building up teams in group events.
- iii) Having identified the disciplines in which sportsmen are required in the respective Chief Commissioners region, applications should be called for from eligible candidates by circulating/advertising the posts as per the normal practice. The eligibility criteria should be in conformity with the provisions of the Recruitment Rules, the instructions issued by the Board and the Department of Personnel and Training on the subject from time to time.
- iv) While determining the proficiency in sports, the levels at which the candidates have participated in the respective disciplines and their current form should also be taken into account. For form should also be taken into account. For this purpose, they could also be subjected to practical/field tests to be conducted by an expert in the respective discipline (having regard to the requirements of the charge and the proficiency of the candidates in their respective sports discipline). A list of candidates in the order of their ranking should be drawn up.

v) All the listed candidates should be subjected to a written test which should be a purely qualifying one. The pattern for the written test should be on the lines of the recruitment test conducted by the Staff Selection Commission for identical posts. A panel, after omitting the names of candidates who fail in the recruitment test, should be drawn up and appointments made accordingly.

vi) To avoid the possibility of production of fake/forged certificates to secure appointment under the sports quota, the certificates produced by the candidates should be scrutinised very carefully and should be cross-checked/verified from the issuing authorities. If such instances are brought to light after the appointment of the candidates, appropriate remedial action should be taken to dispense with the services of the person concerned. In addition complaints should be lodged with the police.

2. The panels prepared on the basis of the procedure outlined above may be kept valid for a year, so that vacancies arising during the validity of the panel could also be filled up from the select panels.

3. These instructions will take effect from the date of issue of this letter.

4. Hindi version will follow.

Yours faithfully,

Sd/- x x x,
(HARBANS SINGH)
UNDER SECRETARY TO THE GOVT. OF INDIA
TEL.NO.345535.

Copy to: 1. ITCC 2. Inspection Division, CEDT,
3. ITEF - A-2/95, Rajouri Garden, New Delhi.

Sd/- x x x x
UNDER SECRETARY TO THE GOVT. OF INDIA.

// true copy //



A3 23 (31)

7th AUGUST, 1993.

RECRUITMENT OF MERITORIOUS SPORTSMEN

Chief Commissioner of Incometax, Andhra Pradesh, Hyderabad invites applications from Meritorious Sportsmen for the following posts:

Name of the Post	Pay Scale	Approximate No. of vacancies
a) Lower Division Clerks	950-20-1150-EB-25-1500	3
b) Upper Division Clerks	1200-30-1500-EB-40-2040	5
c) Inspector of Income Tax	1640-60-2300-EB-75-2900	3
d) Stenographers	1200-30-1500-EB-40-2040	3

2. The candidates should possess the requisite qualifications as mentioned below:

(a) Minimum Educational Qualifications:

i) For the post of LDC:

Matriculation or equivalent qualification from a recognised Board or University and should possess a speed of 30 words per minute in English Typewriting or 25 words per minute in Hindi Typewriting.

ii) For the post of UDC:

A degree from a recognised University or an equivalent qualification.

iii) For the post of Inspector of Incometax:

A degree from a recognised University or an equivalent qualification.

iv) For the post of Stenographer:

Matriculation or equivalent. A speed of 100 wpm in English Shorthand & 40 wpm in English Typewriting. Provided that to the extent candidates possessing a speed of 100 wpm are not available candidates possessing a speed of 80 wpm in shorthand may be considered.

(b) Age limit as on 30th June, 1993

i) For the post of LDC: 18 to 30 years

ii) For the post of UDC: 20 to 30 years

iii) For the post of Inspector: 20 to 30 years

iv) For the post of Stenographers: 18 to 30 years.

Five years age relaxation for SC/ST Category. Relaxation of age for Department candidates is admissible, as per rules.

3. Eligibility: Following types of Sportsmen who have represented at any of the given events in any of the following games/sports viz., Athletics, Carroms, Power Lifting, Swimming, Tennis, Hockey and Vollyball shall be considered meritorious and are eligible for appointment.

i) Sportsmen who have represented a State or the Country in a National or International competition in any of the games/sports.

- ii) Sportsmen, who have represented their Universities in the Inter University Tournaments conducted by the Inter University Sports Board.
- iii) Sportsmen, who have represented the State Schools Teams in the National Sports/Games for Schools conducted by the All India School Games Federation.
- iv) Sportsmen, who have been awarded National Awards in Physical efficiency under the National Physical Efficiency Drive.

4. All eligible Sports persons will be called for a written test on the pattern similar to the examinations conducted by the Staff Selection Commission, for relevant posts. Those candidates who rank sufficiently high in the written examination will be called for Interview (for the post of Inspectors only). The successful candidates in the written examination for the post of LDCs will be called for a typing test. Selection to the post of UDCs will be made exclusively on the basis of the performance in the written test. The successful candidates in the written examination for ~~all~~ the post of Stenographers Gr.III will be called for a speed test.

5. While determining the proficiency in sports, the level at which the candidates have participated in the respective disciplines and their current form will also be taken into account. For this purpose, they could also be subjected to practical/field tests to be conducted by an expert in the respective discipline (having regard to the requirements of the charge and the proficiency of the candidates in their respective sports discipline).

6. Application forms can be obtained free of cost from the Incometax Officer (PR), 1st Floor, Office of the Chief Commissioner of Incometax, Aayakar Bhavan, Basheerbagh, Hyderabad-4 either in person or by sending a self-addressed envelope of 12 cm x 25 cm size affixing postage stamps worth Rs.3/- on or before 31-08-1993.

7. Completed applications along with attested copies of required certificates should reach the Deputy Commissioner of Incometax, (H.Qrs) (Admn), O/o. Chief Commissioner of Incometax, 8th Floor, Aayakar Bhavan, Basheerbagh, Hyderabad-4 on or before 30-09-1993. Candidates should send separate application for each post. All application forms must be accompanied by attested copies of certificates of educational qualifications and sporting merit which must be certified by the relevant Sports Boards. Candidates who applied against an earlier advertisement need not apply ~~again~~ in response to this advertisement.

AH 25 (33)

INDIAN POWERLIFTING FEDERATION

Office: 98, New Ranikunder, Jumshedpur - 831 005, Bihar.

To

Sri P.Mallesha,
Secretary,
Andhra Pradesh P/L Assn.,

Sub:- Final selection trial for Asian Men
& Women, World Women, Powerlifting
Championships-1992.

Sir,

The following Powerlifters of your organisation has/have been qualified to enter in the above trial which is scheduled to be held at ANDHERI SPORTS COMPLEX, Bombay from 28th & 29th Feby. '91, alongwith Federation Cup Powerlifting Championship, 1992.

You are requested to send your lifters one day earlier to report undersigned at the Venue.

Thanking you,

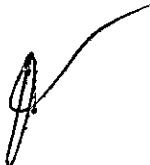
1. C.S.Chandrasekhar Rao (60 Kg)
2. M.Nagmaj (90 Kg)
3. S.K.Karimola (110 Kg)

Yours faithfully,

Sd/-xxxxx,
Hony. Genl. Secretary,
IPF

Reporting Date : 27-2-92.

// true copy //



A-526 31

PROCEEDINGS OF THE CHIEF COMMISSIONER OF INCOMETAX:AP:HYDERABAD

SHRI R. GANESAN,
Chief Commissioner of Incometax,
Andhra Pradesh, Hyderabad.

C.R.No.P.F./LDC/K-2/Estt/90.

Date: 21-6-1990.

Sub: Estt- I.T. Department, A.P., Hyderabad-
Incentive Increment to Central Govt.
Employees for participating in Sporting events
and tournaments of National / Inter-national
importance - Shri Shaik Kareemullah, D.D.C.,
Grant of one increment - Orders - Issue of -
Regarding. * * *

C R D E R:

No. 108 : In accordance with Ministry of Personnel
and Training & Administrative and Public Grievances and Pensions.
Department of Personnel & Training in OM.No.6/1/85-Estt(Fay-I),
dated 16-7-85 and dated 30-1-89 and Ministry of Finance, CBDT's
F.No.A-26017/6/89-Ad.IX, dated 16-3-89, Sri Shaik Kareemullah,
LDC, CCIT's Office, Hyderabad is granted award of one special
increment of Rs.20/- (Rupees twenty only) per month w.e.f. 1-5-90
for achieving excellence in National Sporting Events. This is
the Second Award in shape of Special Increment granted to the
official for participating in the Power Lifting Tournament. He
participated in the Sporting events conducted at Cuttack(Oriissa)
April, 1990 under the organisation of the Oriissa Council
of Sports, on behalf of Home Department, Govt. of India by
securing second position in "110 Kg. Class" event.

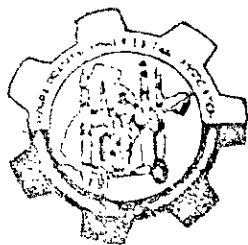
2. The increment so granted would continue to be drawn
at the same rate till retirement and would not count for the
purpose of fixation of pay on promotion or retirement benefits.

Sd/-
(R. GANESAN)
Chief Commissioner of Incometax,
Andhra Pradesh, Hyderabad.

Copy to:

- ✓ 1. The Official concerned.
- 2. Accounts Section of this office
- 3. Confidential Section of this Office.
- 4. The Service Record.

C. V. N. N. M.
I.G.B. KANUNGO 21-6-1990
Dy. Commissioner of Incometax,
(H.Qrs)(Admn)
c/o the Chief Commissioner of Incometax,
Andhra Pradesh, Hyderabad.



ANDHRA PRADESH POWER LIFTING ASSOCIATION

(Regd. No. 114/1980)

A-6 (27) (35)

AFFILIATED TO:
INDIAN POWER LIFTING FEDERATION SPORTS AUTHORITY OF ANDHRA PRADESH
ANDHRA PRADESH OLYMPIC ASSOCIATION

OFFICE : 3-3-533/1, KUTBIGUDA, HYDERABAD-500 027.

President :
B. Mohan Reddy

Ref. :

Date : 14-2-92

Vice-Presidents :
1. M. Yadagiri
Hyderabad
2. G. Nagaiah
Ranga Reddy
3. G. Chandra Sekher Rao
Prakasham
4. A. Veerabhadra Rao
East Godavari
5. M. Prabhakar
Visakhapatnam

To
The Sports Officer,

.....
Sir,

Sub:- Selection of players for Selection Trials
for Asian Men & Women and Federation Cup
Championship, 1992 & Permission for participation- Reg.

Hon. Gen-Secretary :
P. Mallesha
Phone Off. : 68874

I am happy to inform you that the Power Lifting Federation of India, has selected the following players of your Department to participate at the Final selection trials for Asian Men & Women and Federation Cup Power Lifting Championship to be held at Bombay on 28th & 29th February, 1992. The players participating in the Championship must bear their travelling and food expences.

Hence, I would request you to kindly permit your players to participate at the above trials and Championship, and the period from 26th Feb, to 3rd March, 92 may kindly be treated as special leave.

Thanking you.

Org. Secretary :
D. Srinivas Goud
Hyderabad

Yours faithfully,

M. Mallesha
(P. Mallesha)
Hon. Secretary

Treasurer :
A. Krishna
Ranga Reddy

1. S. K. Kareemulla.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 953 of 1994

Between

Shaik Kareemullah

...Applicant

And

The Union of India,
represented by its Secretary
to Govt., Ministry of Finance,
(Dept. of Revenue),
Central Board of Direct Taxes,
New Delhi and another

.. Respondents.

COUNTER AFFIDAVIT

I, P.Radhakrishnan, S/o Sri S.Ponnuswamy, aged about 55 years; Occupation: Government Service, do hereby solemnly and sincerely affirm and state as follows:

1. I am working as Chief Commissioner of Incometax, Andhra Pradesh, Hyderabad, Respondent No.2 herein, and as such am well acquainted with the facts of the case.

2. I deny the original application filed by the above named Applicant and I deny the several allegations made therein except those that are specifically admitted herein.

3. In reply to para No.1:- It is not correct to state that the applicant is working as Lower Division Clerk. In fact the applicant is now working as Upper Division Clerk as he has been offered appointment as U.D.C. in the recruitment under the sports quota which he accepted and joined with effect from 22.8.94 in the Income-tax Office, Circle-5, Hyderabad.

4. In reply to paras No.s 2 to 5:- Needs no comments.

5. In reply to para No.6:- It is submitted that for filling up the vacancies under Sports Quota advertisements were published in ~~the~~ August 1993 for the posts Inspectors of Income-tax UDC/Steno/LDC from the sports disciplines viz., Athletics, Carroms, Powerlifting, Swimming, Lawn

Page No.1

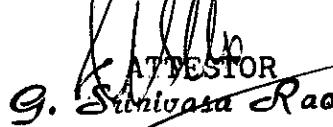
Corrections: NIL

DEPONENT

(P. RADHAKRISHNAN)

6/1
Chief Commissioner of Incometax
Andhra Pradesh, Hyderabad.


ATTESTOR


G. Srinivasa Rao
Asst. Commissioner of Income-tax
(H. Qrs.) (Vigilance)
HYDERABAD-4.

(16)

Hockey and Volleyball. In response, applications have been received and the applicant was one of the candidates who submitted an application dt. 1.1.1992 for the post of Inspector of Income-tax. The applicant was by then working as L.D.C. in the Income-tax Department. The advertisement dated August, 1993 mentioned that candidates who applied against an earlier advertisement issued on 31.12.91 need not apply afresh and that their candidature will also be considered. The advertisements specified, interalia, the selection procedure. The Government instructions contained in letter No.F.No.A-12034/17/88-Ad.VII dt. 23.12.1988 of the Central Board of Direct Taxes, New Delhi were followed in this regard. The sports/games in which sports persons were required in the region were specified. It was also mentioned that all eligible sports-persons will be called for a written test on the pattern similar to the examinations conducted by the Staff Selection Commission, for the relevant posts. For the post of Inspectors, it was mentioned that candidates who rank sufficiently high in the written examination will be called for interview. The pattern of selection for the post of Inspectors includes both written test and interview. It was further mentioned that for determining the proficiency in sports, the levels at which the candidates have participated in the respective disciplines and their current form will also be taken into account. For this purpose, it was mentioned that, they could also be subjected to practical/field tests to be conducted by an expert in the respective discipline (having regard to the requirements of the charge and the proficiency of the candidates in their respective sports discipline).

It is further submitted that after scrutiny of the applications, the eligible candidates were called for a written test. Those candidates who qualified in the written test were tested for their proficiency in the respective sports discipline by conducting Field/Proficiency Tests. For this purpose, the Sports Authority of Andhra Pradesh was requested to nominate one expert each for the Field Tests in the various sports disciplines. Arrangements for appropriate venues for conducting the Field Tests were also made.

Page No.2
No. of corrections: nil

DEPONENT

(P. RADHAKRISHNAN)

7/30 Chief Commissioner of Income-tax
Andhra Pradesh, Hyderabad.

COMMISSIONER

G. Srinivasa Rao

Asst. Commissioner of Income-tax

(H. Qrs.) (Vigilance)

HYDERABAD 4.

(P)

The Sports Authority has nominated coaches as Judges for the various disciplines. The Supervisory Officers who were appointed for holding/supervising 'Field Tests' in various sports Events drew up a Select list of candidates who were found fit to undertake interviews, after scrutinising the performance reports furnished by the various coaches.

The Chief Commissioner of Incometax, Andhra Pradesh, has formed a Selection Committee for appointment of Inspectors of Incometax under Sports. The Selection Committee considered all the field trials in the various sports disciplines and candidates who had qualified in the field trials in the various sports disciplines by the Selection Committee. The Selection Committee considered all the relevant aspects such as the level of representation of the candidate, performance in the field trials, present employment, etc. and drew up a Select Panel.

It is further submitted that the number of vacancies notified for the post of Inspectors was 3 (based on the vacancies upto 30.6.1993), the posts actually available as on 5.7.1994 in the Inspector cadre were 4. As such, it was decided to appoint sportspersons as per the posts actually available and also to offer lower posts than those applied for, if sufficient higher posts are not available but it is considered desirable to appoint some meritorious sportspersons.

The Selection Committee recommended that the first four candidates in the Select Panel be appointed as Inspectors of Income-tax against the four vacancies available. In respect of three of the candidates who were interviewed, the Selection Committee felt that they could, subject to vacancies being available, be offered posts of U.D.C.s. The applicant's name was not among the first four candidates in the Select Panel. His name was, however, in the names of the three candidates whom the Selection Committee recommended for being offered with the post of U.D.C. The Committee constituted for selection of U.D.C.s/L.D.C.s under the Sports Quota, considered the recommendation of the Selection Committee for appointment of Inspectors under Sports Quota and included the names of the three candidates, including that of the applicant, in the names of the players recommended for final selection as U.D.C.s. The Chief Commissioner

Page No. 3

(P. RADHAKRISHNAN)
2/30 Chief Commissioner of Incometax
Andhra Pradesh, Hyderabad.

ATTESTED
G. Srinivasa Rao

Asst. Commissioner of Income-tax
(H.Qs.) (Vigilance)

P.R. BADA

(P)

has approved the above recommendations. The applicant has been accordingly offered appointment as U.D.C. by the Memorandum dt. 20.7.1994 of the O/o the Chief Commissioner of Income-tax. The applicant has accepted the appointment and is presently working as U.D.C. after joining as U.D.C. w.e.f. 22.8.1994(A.N.) in the Income-tax Office, Circle-5, Hyderabad.

In view of the detailed factual position submitted above, the applicant's contentions are based on incorrect assumptions and amount to making wild allegations against a duly ^{held} selection process as also against fellow sportspersons. The applicant as a meritorious sportsman can, may be justifiably, think highly of his achievements and of his position in his field but that by no means entitles him to make wild allegations against others, much less against fellow sportsmen and a duly held selection process. All the sportspersons who were interviewed have qualified in the field trials, which were held with the coaches nominated by the Sports Authority of Andhra Pradesh as Judges. They represented various sports disciplines viz., Volleyball, Hockey, Lawn Tennis, Power Lifting and Athletics and their performance has been duly considered by the coaches in the respective disciplines. As several disciplines were there, the best performers, based on their performances in the respective sports event, were selected for being interviewed by the Supervisory Officers who were appointed for holding/Supervising 'Field Tests.'. The Selection Committee after considering all the relevant aspects, drew the Select Panel and recommended the appointment of the first four candidates in the select panel as Inspectors of Income-tax. The applicant was not one of these four candidates and hence could not get appointed as Inspector of Income-tax. He, however, was offered the post of U.D.C. by way of encouragement and in view of his merit as a sports-person - alongwith two others - and he accepted the offer, as already submitted. Thus, the contentions of the applicant are ill-founded and devoid of merit. In fact, the applicant was alongwith other candidates who were meritorious but who did not make to the final 4.

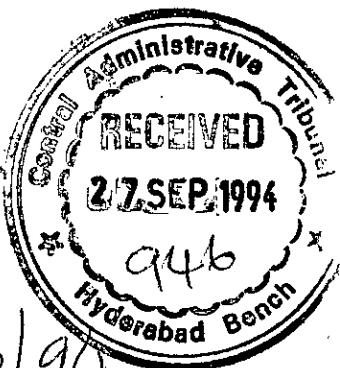
Page No. 4
Corrections: One

P. RADHAKRISHNAN

DEPONENT
(P. RADHAKRISHNAN)
9/30 Chief Commissioner of Income-tax
Andhra Pradesh, Hyderabad.

ATTESTOR
G. Srinivasa Rao
Asst. Commissioner of Income-tax
(H. Qrs.) (Vigilance)
HYDERABAD-4.

In the C. A. T
Hyd Bench



OA 953/94

Counter Affidavit

Received the Counter Affidavit

Svs
27/9/94,
for N. Ramaloham Rao.

Filed by:-
N. V. Raghava Reddy
Addl. Cstc