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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No.1507 of 1996.

DATE OF ORDER:11-9-1998.

Between:

Chennu Bhaskar Rao.

.. Applicant

a n d

1. The Government Of India, rep.,
by its Secretary, Ministry of
Personnel, Pensions & Public
Greivance & Training, Department of
Personnel & Training (Karmik Aur Pra-
shanik Sudhar Vibhag), New Delhi.
2. Senior Deputy Accountant General (Admn)
O/o Accountant General (A&E),
Andhra Pradesh, Hyderabad-500004.
3. The Accountant General (Audit-II),
Andhra Pradesh, Hyderabad-4.

.. Respondents

COUNSEL FOR THE APPLICANT :: Mr.S.Prabhakar Reddy

COUNSEL FOR THE RESPONDENTS: Mr.G.Parameshwara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI R.RANGARAJAN, MEMBER (A))

None for the Applicant. Heard Ms.Shakti for
Mr.G.Parameshwara Rao for the Respondents. Mr.P.Chintaiah,
Welfare Officer of the Department was present. He explained
the method of awarding marks during Field trial on the
basis of the record produced before us.

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2. The applicant in this OA applied for the clerical post against the Sports Quota. He wanted to be selected as he had taken part in various games in the field in Hockey ^{discipline.} ~~Tournament~~. The above application was made by him in response to the notification issued in Employment ^{News} Exchange dated: 17-23 August, 1996 of the A.G., AP, Hyderabad (enclosed as Annexure-II, Page.16 to the OA).

3. As per the Scheme, a sports person is selected on the basis of Test. The test consists of a field trial followed by vivo voce. The applicant was called for field trial. Marks are awarded for field trial, vivo voce and for the Certificates produced by a candidate in the discipline in which he wants to be considered. The marks awarded for field trial is 30, ^{20 marks} ~~28~~ for vivo voce, and ^{30 marks} ~~38~~ marks for the records. The sports person who had secured highest marks on total is selected. But a sports person will be allowed to appear for the vivo voce only if he gets 60% of the marks in the field trials. The applicant herein is reported to have failed in the field trials and hence he was not called for the vivo voce. The applicant submits that the selection was not done in accordance with the Government of India Circular No.14015/1/76-Estt.(D), dated: 4-8-1980 which is enclosed as Annexure-II, page.10 to the OA.

4. This OA is filed for a declaration that the non-selection of the applicant is irregular as the respondents have not followed the Office Memorandum No.14015/1/76-Estt.(D), dated: 4-8-1980 while selecting the candidates against Sports Quota especially against the post ear-marked for filling up by sports person proficient in Hockey Game.

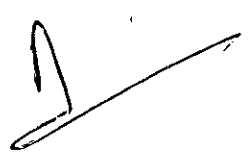
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5. A reply has been filed in this OA. One post of Clerk-cum-Typist has been ear-marked to fill up by a sports person proficient in Hockey Game. The applicant applied for the same. He has submitted records of events he has^d participated in the Hockey Game. He has produced Six records in that connection. The selected applicant viz., One Mr.Dhara has^d produced five records on the basis of the events participated by him. When questioned, Sri P.Chintaiiah submitted that the applicant had^d participated in events for which the records were produced by him ^{was} ~~is~~ better than the records produced by the selected candidate Mr.Dhara. But that is not the clinching factor in selecting the sports person in the Hockey Game for appointment as Clerk/Typist. The records produced is to screen the applicants who can be called for the test. Mere production of records is not sufficient unless the sport persons compete with others in the Field trials as well as vivo-voce and come out successful. As there were number of candidates, it was decided that a sports person can be allowed to appear for vivo voce only if he passes field test with 60% of marks. As the applicant had not secured 60% off marks in the field test, he was not allowed to appear for the vivo voce as his case was rejected.

6. In view of the above submission, the first question that arise is, whether rejection of a candidate on the basis of the field test at the threshold, is permissible or not.

7. The applicant relies on the Government of India Circular dated:4-8-1980 to state that his case was not decided on the basis of that Office Memorandum. A perusal of the Office Memorandum clearly indicates that this is

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only a Guideline given to the respondent-authorities for selecting a sports person. These Guidelines do not prohibit conduct of field trials or even if field trials are conducted, it does not indicate that no candidate should be rejected on the basis of the field trials. Hence the decision of the respondents to hold a field trial and if found unsuitable, rejecting the candidate on that basis cannot be a violation of the Office Memorandum dated:4-8-1980. As the Office Memorandum has not indicated any procedure for giving marks, the respondents are at liberty to fix marks as deemed fit. In the present case they had fixed minimum of 60% in the field trial for allowing a sports person to appear in the vivo voce. Allotting of 30 marks for field trials also does not appear to be incorrect. The applicant has not stated any reason against fixing the minimum percentage in the field trial for allowing him to appear for vivo voce as irregular. Hence as no rules exist in this connection, the allotment of 60% of marks in the field trial for allowing a sports person to appear for the vivo voce does not appear to be an irregular action on the part of the respondents.

8. The next question arises as to how the field trial was conducted. For this, we asked Mr.P.Chintaiah, the representative of the Accountant General to explain to us the method of holding the field trial. Sri P.Chintaiah submitted that, to examine the candidates, a Coach alongwith the Selection Committee Members were asked to examine the performance of all the various players in the field trial. Each one will give the marks on the basis of the trial. There were two trials conducted for

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deciding the fitness of the candidates in the field trials. They are:-

- 1) Endurance Test
- 2) Actual Play in the discipline in which the sports person has to be selected.

9. In the Endurance Test, the applicants were asked to run round the ground for three times and on the basis of their endurance in completing three rounds, marks were allotted. In this case, the applicant was examined accordingly. As regards the proficiency of the applicant and others in the Hockey, a team was formed amongst the candidates who had appeared for the selection and they were asked to play against AOC Hockey Team and based on performance during that period, marks were allotted. The marks given by the Coach and other Committee Members were added and the average was fixed. As per the above procedure, the applicant was given only 50 marks whereas there were candidates who had secured 85% and above 60%. Hence, the applicant was not selected as he had secured less than 60%, the cut-off marks in the field trial for allowing a candidate to appear for vivo voce.

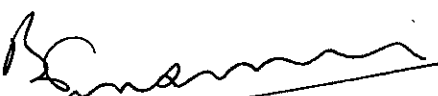
10. Though the applicant submits that the field trials were conducted without examining all aspects within a short time, Sri P.Chintaiah submitted that the Committee is capable of deciding proficiency in the field test within a period of $1\frac{1}{2}$ hours and that amount of time was used for checking the ability of the candidates in the field trials. It is not for us to say, whether the time given is sufficient or not. The Coach and the other members are ^{the} better Judges in that connection.


11. When they had decided to examine the candidates on the basis of the Endurance Test and their ability in the Game within $1\frac{1}{2}$ hours, the Tribunal or Court cannot


sit on their verdict. It had to be noted that it was done satisfactorily. If the applicant had imputed any malafides against those who conducted the field trials, then the case may have to be considered on that basis. But we do not find any malafides shown against any of the members who had conducted and awarded marks in the field trial tests. In view of the above, the marks were awarded to the applicant on the basis of his ability in the field trials.

12. In view of what is stated above, the applicant had failed to qualify himself in the field trial for appearing for the Vivo voce. When he had failed, he cannot ask for appointment on the basis of the Government of India Circular dated:4-8-1980. The Circular as stated earlier is only a Guideline and the Department is at liberty to fix such trials or such examinations to select the eligible candidate for appointment.

13. In view of what is stated above, we find no merit in this OA, hence the OA is dismissed. No costs.

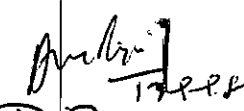

(B.S.JAI PARAMESHWAR)
MEMBER(JUDL)


(R.RANGARAJAN)
MEMBER(ADMN)

11.9.98


Dated: this the 11th day of September, 1998
Dictated to steno in the Open Court

DSN


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Copy to:

1. The Secretary, Min. of Personnel, & Pensions & Public Grievances & Training, Dept. of Grievance & Training, (Karmik Aur Prashanik Sudhar Vibhag), New Delhi.
2. Senior Deputy Accountant General (ADMN),
O/O Accountant General, (A&E),
Andhra Pradesh, Hyderabad.
3. The Accountant General (AUDIT-II),
Andhra Pradesh, Hyderabad.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. G. Panameswara Rao, Addl. CGSC, CAT, Hyderabad.
6. One copy to O.R(A), CAT, Hyderabad.
7. One duplicate copy.

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9/10/98 (Z)

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI G.S. JAI PARAMESHWAR :
M(J)

DATED: 11/9/98

ORDER/JUDGMENT
M.A./P.A./C.P.NC.

in

O.A. NO. 1507/96

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED ✓

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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