

50/100

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH
GUWAHATI-05

(DESTRUCTION OF RECORD RULES, 1990)

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O.A/T.A No. 266/2006.....

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SECTION OFFICER (Judl.)

27/10/19

FROM NO. 4
(SEE RULE 24)
CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH:

1. Original Application No. 266/06
2. Mice Petition No. _____
3. Contempt Petition No. _____
4. Review Application No. _____

Applicant(S) Nripen Lahkar

Respondant(S) H. O. T. Gony

Advocate for the Applicant(S) A. D. Chandley.....
...G. Rahul, S. Deeka.

Advocate for the Respondat(S) Railway Counsel J. L. Sarkar

Notes of the Registry	Date	Order of the Tribunal
-----------------------	------	-----------------------

This application is in
is filed for Rs. 50
d. post. vide 11/10/06
No. 266/325/5
Dated 26.9.06

glt
Dy. Registrar

Pri NS
31/10/06

Steps taken
without envelope.

Pri

R
(for S.C. RLY)
02/11/06

31.10.06

Heard Mr. G. Rahul, learned counsel
for the applicant and Dr. J. L. Sarkar, lea-
rned Railway Standing Counsel.

The applicant claims that he is a
talented Basketball player and represen-
ted the State of Assam in 3 National
level tournaments. The N.F. Railway deci-
ded to include basket ball players in
Group D post in Talent Scouting quota
in basket ball. pursuant to the requisiti-
tion of N.F. Railway, the Assam Basket
Ball Association recommended three players
including the applicant. By letter dated
23.11.2005 invited the applicant and two
others (not the 5th Respondent) for trial
cum selection on 28.11.2005 which was
deferred to 24.1.2006. Applicant claimed
that inspite of having faired well he
was not selected for the reason best
known to them. On the other hand, the 5th
respondent is ~~sought~~ ~~he~~ ~~he~~ attempted to
be appointed in the said vacancy. He
further claimed that 5th respondent had
never been invited to attend the said
trial cum selection for Group 'D', pro-
bably he could have been intited for

Contd.

Contd.

31.10.2006 Group 'C' post. The said selection is challenged.

When the matter came up for admission, Dr.J.L.Sarkar, learned Railway Standing counsel submits that he would like to get instruction. Let it be done within four weeks.

post the matter on 29.11.2006. As an interim measure one post of Group 'D' is directed to be kept vacant till the next date.

Vice-Chairman

bb

29.11.06. The learned counsel for the respondents prays for six weeks time to get instructions. Prayer is allowed. Post the matter on 16.1.07.

Vice-Chairman

lm

16.1.2007

Post on 9.2.2007.

Vice-Chairman

/bb/

8.2.07

~~Counsel for the respondents prays for~~

8.2.07.

Counsel for the respondents prays for adjournment to get instructions. Let it be done. Post the matter on 23.3.07

Vice-Chairman

lm

23.3.07.

Counsel for the respondents wanted to file written statement. Let it be done. post the matter on 27.4.07.

Member

Vice-Chairman

OA 266/06

3-

3

27.4.2007^{31.5.07} Present:

The Hon. Mr. C. Shanthappa
Member (J)
in this O.A. the application has to be
admitted. The Hon. Mr. C. Ray, Member (A).

Issue notice on the respondents.
Mr. S. Nath, learned counsel appearing on
Post the matter on 4.7.07.
representing Dr. J. L. Sarkar, learned counsel for
the Railways sought for some time on his behalf
to file written statement. Vice-Chairman.
lm granted for the same.

Call on 31.05.2007.

No WLS has been
billed.

30.5.07.


Member (A)



Member (J)

/bb/

Steps taken
on 26/6/07.
26/6/07

31.5.07.

Considering the issue involved
in this O.A. the application has to be
admitted. Application is admitted.
Issue notice on the respondents.
Post the matter on 4.7.07.


Vice-Chairman

Notice & Order
Sent to D/Section
for issuing to
R-1 to 5 by
Regel. A/D post.

lm

29/6/07 - D/No-266 to
669 4.7.2007
Dt- 5/7/07.

Dr. J. L. Sarkar, learned Railway
Standing counsel was represented and
time was sought for filing of reply
statement. Three weeks further time is
granted for the same.

Post the case on 1.8.2007.



Vice-Chairman

16/7/07

/bb/

Notice for R-5
received back as
unserved with
a postal remarks
"Incomplete add."

WLS billed.

16/7.
21.11.07.

-4,
O.A. No. 266/06

1.8.07.

Notice duly served
on R- 3, 4.

lm

Counsel for the respondents wanted
time to file written statement. Post the
matter on 31.8.07.

Vice-Chairman

W/s not filed.

31.8.07 Four weeks time granted to the
respondents to file written statement as
prayed for.

Post on 5.10.07 for order.

W/s not filed.

Vice-Chairman

pg

W/s not filed.
05.10.07. Dr. J.L. Sarkar learned Standing Counsel
appearing for the Railways states that he has filed the
Written Statement in this case on 26.9.2007. He
undertakes to serve copies of the said Written
Statement on the Applicant/Advocate for the
Applicant and also undertakes to file Vakalatnama
duly executed by the Respondents on the next date.

Call this matter on 15.11.07.

9.10.07

W/s filed by
the respondents Nos.
1, 2, 3 and 4. Copy
not served.

Lm

(Khushiram)
Member(A)

(Monoranjan Mohanty)
Vice-Chairman

15.11.2007

None appears for the applicant nor
the applicant is present. None also
appears for the respondents/Railways.
On 05.10.2007 Dr J.L. Sarkar, learned
Counsel for the Railways, undertook to
supply a copy of the written statement to
the Applicant/Counsel for the Applicant
and also to submit Vakalatnama for the
respondents. Since Dr J.L. Sarkar is
absent call this matter on 22.11.2007.

(Khushiram)
Member (A)

(M. R. Mohanty)
Vice-Chairman

14-11-07

W/s filed by R. No 1 to 4.
W/s awaited from R. 5. (P.W. R. No 5)

bn

① W/s filed by R. No 1-4.

② W/s awaited from R. No-5 nkm

-5-


6


O.A.266/06

22.11.2007

Written Statement has already been filed in this case on 26.09.2007. By our order dated 05.10.2007, liberty was granted to the learned counsel for the Respondents, to serve copy of the Written Statement on the Applicant/Advocate for the Applicant. Again, on 15.11.2007, the Respondents were called upon to serve the copy of the Written Statement to the Applicant/Counsel for the Applicant. Despite such opportunities were given to the Counsel for the Respondents, the counsel for the Respondents has not served/supplied the same to the Applicant's side. Dr.J.L.Sarkar, learned Standing counsel for the Railways, undertakes to serve the copies of the Written Statement, which was filed on 26.09.2007, on the counsel for the Applicant by 30.11.2007.

Call this matter on 30.11.2007.


(Khushiram)
Member(A)

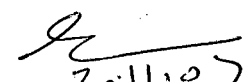

(M.R. Mohanty)
Vice-Chairman

lm

30.11.2007

No one for the Applicant. Dr.J.L.Sarkar, learned Standing counsel for the Railways is present. He had served a copy of the written statement on a junior ~~counsel~~ⁱⁿ the chamber of the learned counsel for the Applicant as learned counsel for the Applicant is away in Delhi for treatment.

Call this matter before the Division Bench on 17.12.2007. Rejoinder, if any, may be filed by that time.



20.11.07
(Khushiram)
Member (A)

/bb/

28.03.2008

Call this matter on 31st March,

2008



(M.R. Mohanty)
Vice-Chairman

lm

81 A. 266/06 - 7)

21.1.08 -

Pl. send copies of this order to the respondents

order dt. 21/1/08 sent to D/Section for issuing to R-1 to 5 by post.

28/1/08. D/No-338 to 342 Dt. 31/01/08.

Rejoinder not filed.

8.2.08.

Dt. 11.2.08.

Pl. send a copy of this order to the Applicant.

12.2.08

Order dt. 11/02/08 sent to D/Section for issuing to applicant /bb/ by post.

14/2/08. D/No-1096 Dt. 15/2/08.

Rejoinder not filed.

10.3.08.

Rejoinder not filed.

27.3.08

Call this matter on 11.02.2008.

Send copies of this order to the Respondents in the address given in the O.A; so that he shall come ready with the case which was filed in the year 2006.

(Khishiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

11.02.2008

None appears for the Applicant nor the Applicant is present. Nobody also appears for the Respondents/Railways.

Call this matter on 11.03.2008 for final disposal.

Send a copy of this order to the Applicant in the address given in the O.A.; so that the Applicant shall come ready for prosecuting this case. Failure of Applicant to prosecute his case on the next date/11.03.2008 will entail this O.A. to be dismissed.

(Khushiram)
Member (A)

(M.R.Mohanty)
Vice-Chairman

Call this matter on 28.03.2008.

2008

(M.R.Mohanty)
Vice-Chairman

(M.R.Mohanty)
Vice-Chairman

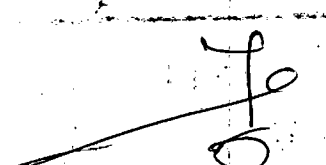
Im

17.12.2007

None appears for the Applicant nor the Applicant is present. In this case written statement has already been filed on behalf of Respondents 1 to 4. No rejoinder has yet been filed in this case.

Call this matter on 16.01.2008 awaiting rejoinder from the Applicant.

Copies of this order be sent to the Applicant and to the Respondent No.5 in the addresses given in the Original Application.


(M.R. Mohanty)
Vice-Chairman

01.12.07

Pl. Send copies of the order to the Applicant & R-5

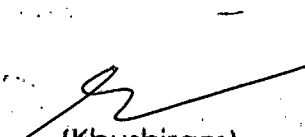
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order dt. 17/12/07
sent to D/Section for
issuing to applicant
and R-No-5 by post. /bb/

Cas
11/1/08. D/No-18, 19. 16.01.2008.
Dt = 2/1/08.

None appears for either of the parties.

Call this matter for final disposal on 21.01.2008.


(Khushiram)
Member (A)


(M.R. Mohanty)
Vice-Chairman

- ① Wks filed
② Rejoinder not
filed.

/bb/

3A
15/1/08

Rejoinder not
filed

2A
18.1.08

21.01.2008.

None appears for the Applicant nor is the Applicant present. Mr.G.Rahul, one of the Advocate for the Applicant has filed a note to withdraw the case. However, Dr.J.L.Sarkar learned Standing Counsel appearing for the Railways is present. We want to give one more chance to the learned counsel appearing for the Applicant to be present in the Court.

contd/-

31.03.2008

None appears for the Applicant nor the Applicant is present. Dr J.L.Sarkar, learned Standing counsel for the Railways is present.

For the reasons recorded separately this case stands dismissed.

(Khushiram)
Member(A)

(M.R.Mohanty)
Vice-Chairman

pg

24.4.08

Copy of the
budget sent to the
D/Sec. for info
in line to the park.

24/4/08

19.1.08

Hand note
D/Sec 1928 to
1936 D/Sec 28.4.08

19/1/08

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

.....

Original Application No. 266/2006

DATE OF DECISION : 31-03-2008

Shri Nripen Lahkar

.....Applicant/s

None present for the applicant

.....Advocate for the
Applicant/s

-Versus -

Union of India & Ors.

.....Respondent/s

Dr. J. L. Sarkar, Standing counsel Railways

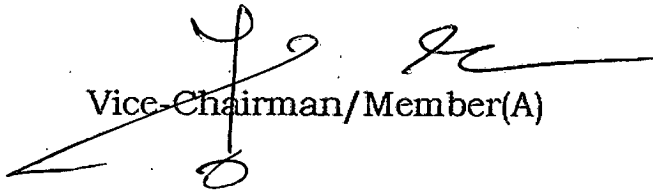
.....Advocate for the
Respondent/s

CORAM

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

1. Whether reporters of local newspapers may be allowed to see the judgment ? Yes/No
2. Whether to be referred to the Reporter or not ? Yes/No
3. Whether their Lordships wish to see the fair copy of the judgment ? Yes/No.


Vice-Chairman/Member(A)

CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI BENCH

Original Application No.266 of 2006.

Date of Order : This the 31st Day of March, 2008.

THE HON'BLE MR MANORANJAN MOHANTY, VICE CHAIRMAN

THE HON'BLE MR KHUSHIRAM, ADMINISTRATIVE MEMBER

Sri Nripen Lahkar,
S/o Late Joynath Lahkar
Resident of Bagharbari, Panjabari,
Guwahati-37,
District. Kamrup, Assam

.....Applicant

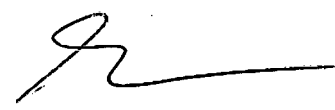
None present for the Applicant

Versus -

1. Union of India,
through the General Manager(P)
N.F.Railway, Maligaon,
Guwahati-781011.
2. General Manager (P),
N.F.Railway, Maligaon,
Guwahati-781011.
3. The Secretary,
Basket Ball Association,
DY. CPO(G), N.F.Railway,
Maligaon, Guwahati-781011.
4. Asstt. Basket Ball Secretary,
N.F.R.S.A.. N.F.Railway,
Maligaon, Guwahati-781011.
5. Sri Ramashree Yadav,
C/O Sri Amarjit Choudhury,
Khanapara Farm Gate,
Guwahati-22.

.....Respondents

By Dr J.L.Sarkar, Railway Standing Counsel



ORDER (ORAL)

KHUSHIRAM, (MEMBER-A)

The Applicant is a Basket Ball Player, as recognized by Assam Basket Ball Association. The N.F.Railway took a policy decision to recruit basket ball players in Group D posts in (N.F.Railway) Talent Scouting Quota. Accordingly, a circular was issued by the N.F.Railway. The Assam Basket Ball Association recommended the names of 3 talented basket ball players for recruitment in Group D post in N.F.Railway. Since the Applicant could not, finally, be selected (in Talent Scouting Quota under Group D post), he filed this Original Application under Section 19 of the Administrative Tribunals Act 1985.

2. The Respondents have filed written statement admitting that the above facts interalia stating that it was not mandatory to select candidates only from N.E.Region, as the purpose of recruitment was to form a good Basket Ball Team by best available talents in the country; that trial for selection was held, on 24.01.2006, by a Selection Committee consisting of Secretary (Basket Ball), Joint General Secretary (Basket Ball) and one Coach of Sports Authority; that age limit/criteria for selection was between 18 to 25 years and that the Applicant could not be selected as the Applicant was nearing the age of 25 years at the time of selection and there was no scope for relaxation of age limit.

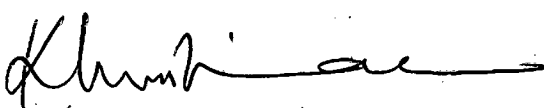
3. The Applicant side remained absent on 30.11.2007, 17.12.2007, 16.01.2008, 21.01.2008, 11.02.2008, 11.02.2008 and 21.01.2008. Even today none appears for the Applicant nor the

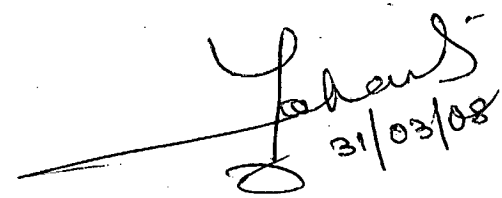


Applicant is present. The learned Advocate for the Applicant once expressed the desire to withdraw this case.

4. Dr J.L.Sarkar,, learned Standing counsel for Respondents/Railways argued that the written statement filed on behalf of the Railways may be treated as his pleadings in the matter.

5. In view of the aforesaid discussion it is apparent that Applicant is not interested in pursuing/prosecuting this case. From the written statement filed, on behalf of the Respondents, it is apparent that Applicant was nearing the age limit of 25 years at the time of selection and must have now crossed the age of 25 years and hence there are no scope for him to be selected within the given age limit as a Basket Ball Player in the Railways and, thus, his appointment as Group D staff does not arise. In the above premises, this case is dismissed. There will be no order as to costs.


(KHUSHIRAM)
ADMINISTRATIVE MEMBER


(MANORANJAN MOHANTY)
VICE CHAIRMAN
31/03/08

14-12-07

Ordersheet dt. 22.11.07 passed by the Divn. Bench and dt. 30.11.07 passed by the Single Bench (Hon'ble Member(A)), has been misplaced either in the Section or by the Steno. concerned. The same has been searched out in all other cases listed on that day, but could not be traced out.

Therefore, the matter may be placed before the Hon'ble Member(A) when available.
Submitted for ordm.

by
14/12/07
Co.

SO (C.A.) 250 (Supl.)
to joint bench
the Ordersheet
& try to locate
the same.
They should
be responsible

both files may kindly be submitted to the Hon'ble VC for kind approval/ords.

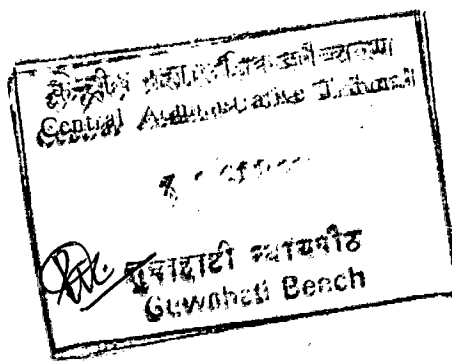
N des
18.12.07

seen/checked

On seeing the Ordersheet Hon'ble Vice Chairman immediately started searching to locate, in section, the Ordersheet in question but till office time was over could not be successful.
17/12/07

Thanks
18/12/07

SO (E)
This morning the Ordersheet in question could be located by the Hon'ble Member(A) erroneously cited by the court master Mrs. L. Mahanta on 22.11.07. and the same is filed at P/S - correction dt 2007.12.13/2007.12.13



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Filed by
Gauravendra Deka
Advocate 31/10/06

LIST OF DATES/SYNOPSIS/CHORONOLOGY OF EVENTS

23/11/2005 Pursuant to the recommendation of the applicant by the Assam Basket Ball Association, the Secretary Basket Ball/NFRSA invited the applicant to appear for trial come selection for recruitment of Basket Ball player as Talent Scouting Quota in Group – D on 28/11/2005.

(Annexure – 2 Page 15)

28/11/2005 The respondent authorities deferred the aforesaid selection process.

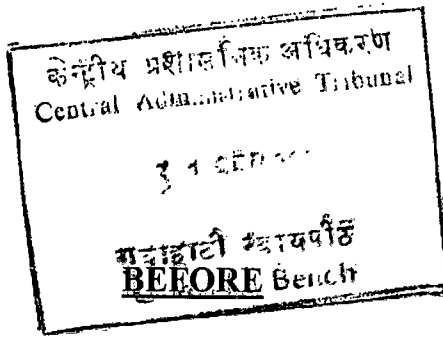
(Annexure – 3 Page 16).

12/01/2006 The applicant was again invited to appear in the trial come selection for recruitment of Basket Ball player as Talent Scouting Quota in Group – D on 24/01/06.

(Annexure – 4 Page 17)

Surprisingly the applicant inspite of having faired well in the selection process the respondent authorities are seeking to appoint the respondent No 5 who had never appeared in the selection process for Group – D post. Being agreived the applicant has preferred the present Original Application.

Niripam Bha



CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI.

BENCH: GUWAHATI.

(An application U/S. 19 of the Administrative Tribunals Act 1985)

Title of the Case: _____

O.A No. 266 /2006

Sri Nripen Lahkar, ----- APPLICANT.

Vs

Union of India & Ors -----RESPONDENTS.

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8.	Annexure - 6	
9.	Annexure - 7	

Filed by
Sailen Deka
Advocate 31/10/06

Nripen Lahkar.

18-
Filed by
Saidul Hossain Deka
Advocate 31/10/06

BEFORE THE
CENTRAL ADMINISTRATIVE TRIBUNAL, GUWAHATI.

BENCH: GUWAHATI.

(An application U/S. 19 of the Administrative
Tribunals Act 1985)

O.A No. 266/2006

BETWEEN

Sri Nripen Lahkar,

S/O- Late Joynath Lahkar

Resident of Bagharbari, Panjabari

Guwahati – 37.

District: Kamrup, Assam.

----- APPLICANT.

-AND-

1. Union of India, through the General Manager (P),
N.F.Railway, Maligaon, Guwahati -781011.
2. General Manager (P), N.F.Railway, Maligaon,
Guwahati -781011.
3. The Secretary, Basket Ball Association
DYCPO(G). N.F. Railway, Maligaon, Guwahati-
78101.

4. Asstt. Basket Ball Secretary, N.F.R.S.A. N.F.
Railway, Maligaon, Guwahati-781011.

5. Sri Ramashree Yadav,
C/O – Sri Amarjit Choudhury,
Khanapara, Farm Gate,
Guwahati – 22.

-----RESPONDENTS.

1. THE APPLICATION IS AGAINST THE FOLLOWING:

The present Application has been directed against the illegal, arbitrary and discriminatory action on the part of the respondent authorities in refusing to appoint the applicant as a basket ball player against Talent Scouting Quota in Grade – D and seeking to appoint the respondent No 5 who appeared in the selection process in the Group – C.

2. JURISDICTION OF THE TRIBUNAL.

The applicant declares that the cause of action of the instant case has arisen in Guwahati and as such this Hon'ble Tribunal has got jurisdiction to adjudicate upon the issues involved in the present case.

3. LIMITATION.

Naripen Lahkur -

The applicant declares that the present application has been preferred within the period of limitation prescribed in section 21 of the Administrative Tribunal Act, 1985.

4. FACTS OF THE CASE.

- I) That the applicant is a citizen of India and a resident of the aforementioned locality and as such he is entitled to all the rights, privileges and protections guaranteed to the citizens of India under the Constitution of India and the laws framed there under.
- II) That the applicant is a basket ball player and on several occasions has earned laurels for his team in various tournaments. The applicant is enrolled as a member of the Assam Basket Ball Association and has participated in various prestigious tournaments. The applicant has successfully represented the State team in three National level tournaments and as such is a respected and reputed state basket ball player.

Copies of relevant certificates of the applicant are annexed herewith and marked as Annexure – 1 series.

- III) That the N.F Railway took a policy decision to include basket ball players from the north east region in Group – D post in N.F. Railway in Talent Scouting Quota in basket ball. Accordingly, a request was

Neelam Talwar

21

made by the N.F. Railway Sports Association before the Assam Basket Ball Association to recommend the names of three (3) talented basket ball players of the region for recruitment in the Group – D post in N.F. Railway in Talent Scouting Quota. Accordingly, the name of the applicant along with two other persons, viz. Sri Jitumani Deka and Sri Sankar Brahmin were recommended by the Assam Basket Ball Association.

- IV) That thereafter, the Secretary of the Basket Ball/ N.F.R.S.A. and DYCPO (G) vide letter No. NFRSA/BB/2(W)/Pt.V(Con) dated 23/11/2005 invited the applicant and the two other aforementioned players for trial cum selection for recruitment of basket ball players against Talent Scouting Quota in basket ball on 28/11/2005. However, vide another letter under No. NFRSA/BB/2/Pt.W/Pt.V/Con dated 28/11/2005 deferred the date of selection.

Copies of the aforementioned letters dated 23/11/2005 & 28/11/2005 are annexed herewith and marked as Annexure – 2 & 3 respectively.

- V) That pursuant thereto the Asstt. Basket Ball Secretary, NFRSA vide letter No. NFRSA/BB/2(W)Pt. V (Con) dated 12/01/2006 invited the applicant along with the two other players for trial cum selection for recruitment of basket ball players against Talent Scouting Quota in

Neerpon Lakshmi

Group – D schedule to be held on 24/01/2006. Accordingly, the applicant appeared in the selection process and fared well. The applicant has come to learn from reliable sources that he is likely to be selected.

Copy of the aforesaid letter dated 12/01/2006 is annexed herewith and marked as Annexure– 4.

- VI) That all along the applicant was in anticipation that he would be selected as a basket ball player under the N.F. Sports Association. However, to the utter shock and surprise of the applicant the respondent authorities in a most illegal and arbitrary manner have selected the respondent No. 5 who had originally appeared in the selection process for a Group – C post. The respondent No. 5 had never appeared in the selection process for Group – D and his name was never recommended by the Assam Basket Ball Association.
- VII) That being highly aggrieved by such illegal and arbitrary action of the respondent authorities in refusing to select the applicant and thereby in a very illegal, arbitrary, unreasonable, discriminatory and malafide manner selecting the respondent No 5 to a Group – D post in the selection process of which he had never appeared, the applicant has been left with no other option but to approach this Hon'ble Tribunal by way of the present Original Application.

Neigun Lahkar

5. GROUNDS FOR RELIEF WITH LEGAL PROVISIONS.

- a) For that, the name of the applicant having been sponsored by the Assam Basket Ball Association interms of the policy decision of the N.F. Railway there was no reasonable basis or justification for having selected the respondent No 5 who was never a person belonging to the North East Region. As such, the actions of the respondent Authorities are ex-facie, arbitrary, unreasonable and discriminatory and as such are liable to be interferred with by this Hon'ble Tribunal.
- b) For that the respondent authorities while selecting the respondent No 5 have completely lost sight of the fact that the applicant is a Sports person of repute and had played in the National level thrice representing the State of Assam. As such, the decision of the respondent authorities to select the respondent No 5 is contrary to the policy decision of the N.F. Railway to include players of the North East Region. Hence, it is fit case where this Hon'ble Tribunal would be pleased to interfere into the matter and grant adequate relief to the applicant.
- c) For that the applicant was sponsored by the Assam Basket Ball Association as he possessed all the required norms and qualifications for being selected as a basket ball player against Talent Scouting Quota in Grade - D. Non-

Neigpon Lakken

consideration of the applicant's qualifications by the respondent authorities is discriminatory and malafide towards the applicant and as such, such actions are liable to be interfered by this Hon'ble Tribunal.

- d) For that the applicant having participated in the trial come selection process for Basket Ball Players against Talents Scouting Quota in Group - D and having faired well has a ligitimate expectation if not to be selected, atleast to be informed about the outcome of the selection. The actions of the respondent authorities of not allowing the applicant to know about the outcome of the said selection and moving ahead to select the respondent No 5 in the Group - D post, the selection process of which he had never appeared is violative of the applicant's fundamental rights and as such are bad in law.
- e) For that the applicant has all along had a ligitimate expectation of being selected as a basket ball player against Talent Scouting Quota in Group - D as he had faired well in the said selection process. The applicant has been discriminated against by the respondent authorities in selecting the respondent No 5 who had never appeared in the selection process.

Pls refer to the attached

f) For that the applicant has a strong prima facie case in his favour necessitating immediate interference at the hands of this Hon'ble Tribunal. Although, an illegal move has been initiated by the respondent authorities to appoint the respondent No 5 to a Group – D post, he has not yet joint in the said post and as such the balance of convenience is also strongly infavour of the applicant. The applicant shall suffer irreperable loss and injury in the event an interim order as prayed for is not passed. As such, this is a fit case where this Hon'ble Tribunal would be pleased to grant adequate interim relief to the applicant in the given facts and circumstances.

g) For that in any view of the matter the actions of the respondent authorities are ex-facie, illegal, arbitrary, discriminatory, unreasonable, malafide and capricious and as such are liable to be interfered with at the hands of this Hon'ble Tribunal.

7 MATTERS NOT PREVIOUSLY FILED OR PENDING BEFORE ANY OTHER COURT:

The applicant further declares that she has not filed any writ application or suit regarding the matter in respect of which this application has been made before any court of law or any other authority or any other bench of this Hon'ble Tribunal and no such application or suit is pending.

Naipen Lekhen

8 RELIEFS SOUGHT FOR:

In the premises aforesaid your Applicant prays that your Lordship may be pleased to call for the records, calling upon the respondents to show cause as to why the applicant should not be appointed at the earliest having successfully completed the selection process and/or be pleased to direct the respondent authorities not to appoint the respondent No 5 to the Group – D post in the selection process of which he had never appeared.

And or pass such further or other order/orders as this Hon'ble Tribunal may deem fit and proper.

9. INTERIM PRAYER

Pending disposal of this Original application Your Lordships may be pleased to direct the respondent authorities not to appoint the respondent No 5 to the Group – D post of basket ball player against Talents Scouting Quota.

And for this the applicant as in duty bound shall ever pray.

Neeraj Lakhan

X
V10 APPLICATION IS FILED THROUGH ADVOCATE:

A.D C'oudhury,

Gautam Rahul,

Sailendra Deka

11. PARTICULARS OF I.P.O

I.P.O

26.6.35-15-

DATE OF ISSUE

26.9.86

ISSUED FROM

A P B

PAYABLE AT

Gws ahah.

12 LIST OF ENCLOSURES:

As stated in the Index.

-----Verification.

Newipora Lohkar,

VERIFICATION.

I, Sri Nripen Lahkar, S/O- Late Joynath Lahkar, aged about 25 years, resident of Bagharbari, Panjabari Guwahati – 37. District: Kamrup, Assam do hereby solemnly affirm and verify that the statements made in the accompanying application in paras 4(I), 4(II), 4(III), 4(IV), 4(V), 4(VI) partly are true to my knowledge and belief and those made in paras

4(VI) partly.
being matters of records are verily believed to be true on the basis of the information derived therefrom and the rest are my humble submissions before this Hon'ble Tribunal. I have not suppressed any material facts

And in verification whereof, I sign this verification today dated 31/10/2006, at Guwahati.

Nripen Lahkar -

Nº. 027221

BASKETBALL FEDERATION OF INDIA



This is to certify that

NRIPEN LAHKAR

of **ASSAM**

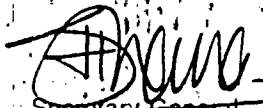
participated in the

53rd Senior National Basketball Championship (Men & Women)

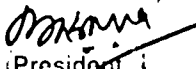
held at Hyderabad (A. P.)

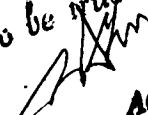
from 25th Jan. to 1st Feb., 2003

as Player / Coach / Manager / Technical Official


Secretary General
Basketball Federation of India




President
Basketball Federation of India

Certified to be true copy

Advocate

Nº 044152

BASKETBALL FEDERATION OF INDIA



This is to certify that

NRIPEN LAHKAR

of **ASSAM**

participated in the

55th Senior National Basketball Championship (Men & Women)

Organised by Punjab Basketball Association

at Ludhiana

From 26th Dec. 2004 to 2nd Jan., 2005

as Player / Coach / Manager / Referee / Technical Official

(HARISH SHARMA)
Secretary General
Basketball Federation of India

(R.S. GILL)
President
Basketball Federation of India

Certified to be true

Advocate

— 14 —

31

BASKETBALL ASSOCIATION OF ASSAM



This is to certify that

Nripen Lahkar
of *Guwahati*

Date of Birth

participated in the
17th Inter District Basketball Championship (Men & Women)

Organised by

Basketball Association of Assam

at

N.F. Rly. Stadium, Maligaon, Guwahati

from

15th to 17th May 2004.


as Winner / Runners-up / Player / Coach / Manager / Referee


Mukut Medhi
Secretary

Basketball Association of Assam


Dinesh Saikia
Working Secretary

Basketball Association of Assam


Pulak Goswami
President

Basketball Association of Assam

Certified to

Advocate

N.E. Railway

No. NFRSA/BB/2(W)/Pt.V(CON)

Office of the
General Manager(P)
Maligaon, Guwahati
Date:- 23/11/05


To


1. Shri Jitu Moni Deka
S/O. Shri J.C. Deka
Hengrabari, Purbanchal Nagar
Near PHE office
Guwahati-36
2. Shri Sankar Brahmin
S/O. D. Brahmin
RPF Reserve Line
Rly. Qr. No. 9/L
Guwahati -11
- ✓ 3. Shri Nipen Lahkar
S/O Late J. Lahkar
Bagharbari, Panbazar
Guwahati-1

Sub:- Trial cum selection for recruitment of Basket Ball Players
against Talent Scouting Quota in Gr.D

It is to inform you that the trial cum selection for recruitment
of players in Gr. 'D' post in N.E. Railway in Talent Scouting Quota in
Basket Ball has been fixed on 28/11/05.

You are hereby requested to attend the Selection Trial on 28/11/05 at
09.00 hrs. at N.E.R.S.A Basket Ball ground /Maligaon, along with documents and
certificates in original.


(P.K. Singhi)
23/11/05
Secy. Basket Ball/NFRSA
&
DYCPO(G)


Certified to be true copy
Advocate

16 -

ANNEXURE - 3

NF Railway

Office of the
General Manager (P)
Maligaon, Guwahati-11

No. NFRSA/BB/2/Pl.W/Pl.V/Con

November 28, 2005

To shri. Nipen Lahkar

Bagharbari City-2

Sub: Trial for recruitment of Basketball Player(Group 'D')-
Talent Scouting Quota.

Ref: This office letter of even number dated 23.11.05.

Owing to unavoidable reasons, the selection trial on the above, which was scheduled to be held on date, has been postponed. The next date will be intimated shortly.

28.11.05
Asst Basketball Secretary/NFRSA

[Signature]
Certified to be true copy
[Signature]
Advocate

17 -
N. F. Railway

ANNEXURE-4

Office of the
General Manager (P)
Maligaon, Guwahati
Date:- 10-01-06
12-01-06

No. NFRSA/BB/2(W)Pt. V(CON)

To

✓ 1. Shri Jitu Moni Deka
S/O Shri J. C. Deka
Hengrabari, Purbanchal Nagar
Near PHE office
Guwahati-36

2. Shri Sankar Brahmin
S/O. D. Brahmin
RPF Reserve line
Rly. Qr. No. 9/L
Guwahati- 11

3 ✓ Shri Nipen Lahkar
S/O Late J. Lahkar
Bagharbari, Panbazar
Guwahati-1

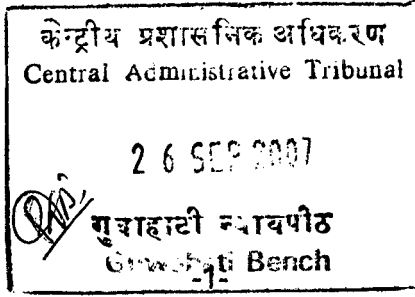
Sub- Trial cum selection for recruitment of Basket
Ball Players against Talent Scouting Quota in
Gr. D

It is to inform you that the trial cum selection for recruitment of players in
Gr. D post in N. F. Railway in Talent Scouting Quota in Basket Ball has
Been fixed on 24-01-06.

You are hereby requested to attend the Selection Trial on 24-01-06 at
14.30 hrs at N. F. Railway Basket Ball /Maligoan along with documents
and certificates in original.

M. Paul
12.01.06
(M. Paul)
Asst. Basket Ball/ Secy.
N. F. R. S. A

Certified to be true copy
Adv.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

GUWAHATI BENCH, GUWAHATI

OA NO. 266/06

Sri Nipen Lahkar

.....Applicant

-Versus-

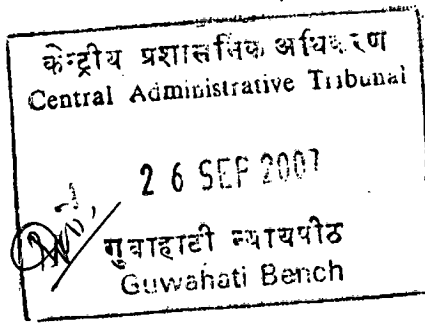
Union of India & others

..... Respondents

Written Statement on behalf of the Respondents Nos. 1,2,3 and 4:-

1. That the respondent Nos. 1,2,3 and 4 have gone through the OA and understood the contents thereof.
2. That the respondents deny the correctness of the statement made in para 4(iii) that N.F.Railway took a policy decision to include Basket Ball players from the N.E.Region in Group-D post in N.F.Railway in Talent Scouting quota in Basket Ball. A request was made by N.F.R.S.A to Assam Basket Ball Association to recommend names of Basket Ball players for recruitment in Group-D post through Talent Scouting Quota and 3(three) names were received including the name of the applicant. Other associations of N. E. Region were also requested to send such names for consideration. This was done to give encouragement to the players of N.E.Region, but it is not mandatory to select candidates only from N. E. Region. The purpose of recruitment is to form a good team by best available talents in the country. In the trial selection on 24.01.06 the applicant and two other candidates appeared.

✓ Respondent Pradeep Kumar Singh
24.09.07
Filed by the
Through J. L. Sarkar, Advocate
N. F. Railway/Maligaon.
on 26/09/07



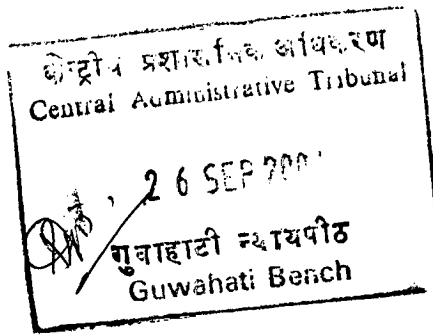
-2-

The selection was for the year 2005-2006 . The Selection Committee consisted of Secretary, Basket Ball, Joint General Secretary Basketball and one Coach of Sports Authority Of India/Assam. As per instructions issued by Railway Board, the age limit of the candidates shall be between 18 to 25 years. The applicant was nearing 25 years of age. The matter was discussed by the President N.F.R.S.A with the General Manager N.F.Railway and the applicant could not be selected/appointed. There is no scope of relaxation of age limit. That there is no basis of the statement of the applicant in para 4(v) of his likelihood of being selected.

3. That the correctness of the statements in para 4(vi) and 4(vii) is denied. The allegation that selection of respondent No.5 is illegal and arbitrary is denied. The respondent NO.5 applied for 2006-2007 Talent Scouting Quota for Group-D post only. The applicant has filed the OA under misconception. Recommendation of Assam Basket Ball Association is not required in the instant selection process. The respondent NO.5 has not appeared in 2005-2006.

4. That in the circumstances explained above, the OA deserves to be dismissed with cost.

Pradeep Kumar Singh
Chief Personnel Officer (A-3)
N. F. Railway/Maliga



-3-

VERIFICATION

I, Pradeep Kumar Singh
working as Syepo/Gaz, aged about 42
-years do hereby verify that the statements in paragraph 1 to 4 above are
true to my knowledge.

Pradeep Kumar Singh
Deponent.

As State Personnel Officer (4-3)
N. F. Railway/Maligaon,