

CENTRAL ADMINISTRATIVE TRIBUNAL**CHANDIGARH BENCH**

O.A.NO.060/00208/2019

Decided on: 19.03.2019

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &
HON'BLE MS. P. GOPINATH, MEMBER (A)**

Manjit Singh

Son of Sh. Bawa Singh,

Age about 28 years,

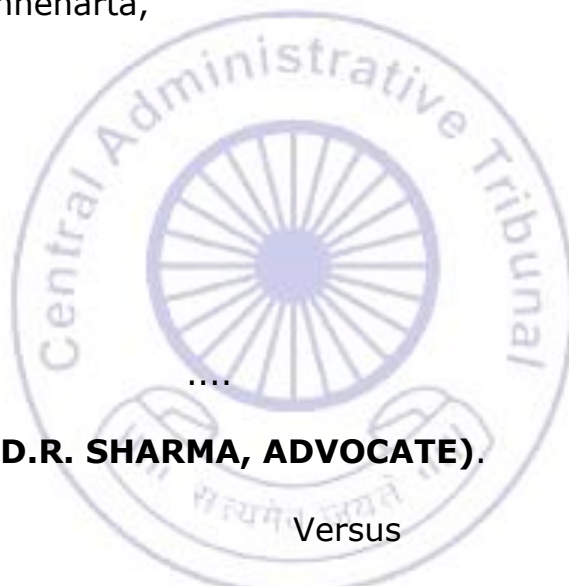
Resident of House No. 10, Block-D,

Sandhu Colony, Chheharta,

G.T. Road,

Amritsar,

Punjab-143001.



Applicant

(Argued by: **MR. D.R. SHARMA, ADVOCATE**).

Versus

1. Union of India through the General Manager, Northern Railway,
Baroda House, New Delhi-110001.
2. The Railway Board, Ministry of Railways, Government of India
through its Chairman, Rail Bhawan, New Delhi-110001.
3. The General Manager (P), Central Railway, Vikhroli, Mumbai-
400083.

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Respondents

ORDER
SANJEEV KAUSHIK, MEMBER (J)

1. The applicant has approached this Tribunal under section 19 of the Administrative Tribunal Act, 1985, seeking issuance of a direction to the respondents to distribute the vacancies for the Game of Cycling, which is a Declared Game under the Policy for Recruitment of Sportspersons against sports quota, notified by Railway Board on 31.12.2010, 28.11.2011 and 18.4.2012 (Annexures A-5, A-6 and A-7 respectively) and to consider his application for appointment etc. as per extant policy against vacancies for the year 2015-16 etc.

2. The facts of the case, which led to filing of the instant Original Application (O.A), are that applicant is a Sports person in game of cycling and has participated in various Championships and obtained Gold / Silver / Bronze medals, as per detail given in para 4 (2) of the O.A. As per Railway Board Instructions dated 31.12.2010 (Annexure A-5) relating to Norms for incentives and out of turn promotions and sports quota for Railways / Units etc. Cycling is one of the game in which recruitment can be done. As per instructions dated 28.11.2011 (Annexure A-6), persons participating in All India Inter University Championships and international events in various games including cycling is to be considered for benefit. As per letter dated 18.4.2012, percentage of posts to be released under sports quota and game wise distribution of slots is mentioned. It provides that no recruitment against sports quota shall be done without game-wise distribution of quota. The applicant against Spots Quota (Talent Scouting) in the year 2015. His application was forwarded to the concerned quarters on 11.12.2015 and 7.1.2016 to examine it but to no avail. In reply to RTI Application, the respondents have informed on 24.1.2019, that game-wise vacancies are decided by various zones / units of Indian Railways

themselves and further Northern Railway Sports Association (Retd.), New Delhi, informed vide reply dated 25.1.2019, that no vacancy were given to game of cycling under Sports Talent Quota during the years 2015-18. Hence, the O.A. for allotment of sports quota for Cycling Game also for the year 2015 onwards.

3. We have heard the learned counsel for the applicant at length and examined the material on file with his assistance.

4. The facts of the case goes to show that the respondents have issued policy for allotment of vacancies for sports including game-wise etc. and the applicant had submitted his application for appointment against his own game of cycling which is recognized as one of the game against which appointment can be made. His case was processed in the year 2015 and 2016 but the applicant did not approach this Court in time. He kept on sitting tight over the matter and on receiving information under RTI Act in 2019, the applicant has approached this Tribunal by filing O.A. on 28.2.2019, claiming appointment against a slot for the year 2015-16 only. Under the RTI, it has been disclosed that during that period no slots were allocated for the Cycling game. The O.A. is clearly barred by more than 4 years and the applicant has not even cared to file any application seeking condonation of delay in filing the O.A. for seeking appointment since 2015-16. He is not seeking any relief for appointment against a slot for the subsequent years. In these circumstances, we have no hesitation in holding that the claim raised in this case is definitely barred by time and in the absence of any application for condonation of delay, O.A. is not maintainable at all being barred by limitation, delay and laches.

5. The issue came to be decided by a three Judges Bench of Hon'ble Apex Court in the case of **BHOOP SINGH V. UNION OF INDIA ETC.,**

(1992) 3 SCC 136, wherein it was ruled that inordinate and unexplained delay or laches is by itself a ground to refuse relief to the petitioner, irrespective of the merit of his claim. If a person entitled to a relief chooses to remain silent for long, he thereby gives rise to a reasonable belief in the mind of others that he is not interested in claiming that relief. Others are then justified in acting on that belief. This is more so in service matters where vacancies are required to be filled promptly. A person cannot be permitted to challenge the action of authorities without any cogent explanation for the inordinate delay and accepting a belated claim would upset the entire service jurisprudence.

6. In the wake of aforesaid discussion, this O.A. is devoid of any merit and is dismissed in limine accordingly.

(P. GOPINATH)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

PLACE: CHANDIGARH.
DATED: 19.03.2019

HC*

