

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA
OA/050/00066/2015
With
MA/050/00177/2016

Date of order: 02.04.2019

C O R A M

HON'BLE MR. JAYESH V. BHAIRAVIA, JUDICIAL MEMBER
HON'BLE MR. DINESH SHARMA, ADMINISTRATIVE MEMBER

Praveen Kumar Mishra, S/o Anand Kumar Mishra, Resident of Village-Phulha, Post-Ramgarh (Kiriya), PS- Chunar, District- Mirzapur, Uttar Pradesh.

.... Applicant.

By Advocate: - Mr. J.K. Karn

-Versus-

1. The Chairman, Railway Board, Room No.236, Rail Bhawan, New Delhi.
2. The Director (Sports), Room No. 450, Rail Bhawan, New Delhi.
3. The Executive Director (Sports), Room No. 452, Rail Bhawan, New Delhi.
4. The General Manager, East Central Railway, Hazipur, District-Vaishali, Bihar.
5. The Sports Officer cum Senior Personnel Officer, Recruitment, East Central Railway, Hazipur, District- Bihar.

.... Respondents.

By Advocate: - Mr. S.K. Griyaghety

O R D E R
[ORAL]

Per Dinesh Sharma, A.M:- The case of the applicant is that he got a call letter dated 08.03.2013 for attending the trial to adjudge his game skill in volleyball and physical fitness. However, he did not receive any order of appointment. Following his request under RTI he has been told that the result of the trial taken on 12.03.2012 has been sent to the Railway Board. On his enquiry with Delhi Rail Bhawan, respondent no. 3 informed him that

the quota raised for East Central Railway has been shifted to some other place. The applicant has prayed for restoration of quota of sports in EC Railway and for recruitment of applicant on the said quota as per the results of the trial of game skill and physical fitness held on 12.03.2013.

2. The applicant has filed a Supplementary Application in which he has attached a copy of the letter sent by the General Secretary/ECRSA-cum-CME (Planning), Hajipur to Executive Director (Estt.), Sports, New Delhi communicating fitness of the applicant for empanelment in the position of Blocker in the sports discipline Volleyball (Men). The Supplementary Application also annexes a list of persons selected and empanelled provisionally for recruitment in Group C and Group D category against Employment Notice No. ECR/HRD/RECTT/Sports quota (Open Advt.)/2012-13 related with HQ Sports (Open Advertisement) (for which trial and interview were held on 12.03.2013).

3. The respondents have filed written statement in which they have alleged that the game wise requirement against recruitment through open Advertisement and Talent Scouting Scheme of Sports Quota as per Quota allotted by the Railway Board for this purpose is assessed by Sports Association of EC Railway before initiating the process of recruitment against Sports Quota. As per Railway Board's Letter No. 2010/E(Sports)/4(1)(policy) dated 31.12.2010, the quota allotted by the Railway Board for Headquarter, EC Railway in the year 2012-13 was as under:-

Recruitment Through		Post having Grade Pay Rs. 4200	Post having Grade Pay Rs. 2800/2400	Post having Grade Pay Rs. 2000/1900	Post having Grade Pay Rs. 1800	Total
Talent Scouting	HQ	01	03	08	04	16
	RSPB	01	01	04	02	08
Open Advertisement		Nil	03	09	04	16
Total		02	07	21	10	40

On the basis of this sports achievement of the applicant he was considered and allowed in the trial in which the Trial Committee assessed him suitable. Since the pre-decided quota for grade pay Rs. 2000/1900/- was already filled up, Railway Sports Promotion Board (RSPB) was approached to accord permission to operate the 4 unfilled quota of grade pay of Rs. 4200/- and Rs. 2800/2400/- and in Grade Pay of Rs. 2000/1900 for recruitment of 4 candidates found fit in trial held on 12.03.2013. However, the RSPB did not agree to this proposal. The RSPB was again approached to get permission to accommodate the candidates found fit in trial held on 12.03.2013 against zonal quota for the year 2013-14, but RSPB did not agree to the proposal as the candidates were not eligible as per policy decided for recruitment for 2013-14. Thus, there was no transferring of quota from EC Railway to other railway. The only reason why the applicant's case was not considered was the non-availability of sports quota post in the relevant year.

4. The applicant has also filed an MA for condonation of delay in filing this OA as the delay was on account of time consumed in obtaining the documents and finding out the facts behind refusal of recruitment of the applicant. The MA is allowed for reasons stated in the application.

5. The applicant has filed a rejoinder in which he has alleged that the stand taken by the respondents in their written statement is erroneous. He has reiterated that there has been discrimination in the policy of shifting restoration of Sports quota at Hajipur and Gorakhpur Railway.

6. We have gone through the pleadings and heard the learned counsels of both the parties. It is clear from the facts brought on record that the applicant was called for trial for recruitment against sports quota. However, there was no advertisement against which he had applied or appeared for trial against. It was apparently done on the recommendation of a people's representative and the respondents, after testing his sports skill, did try to get a place available to him under RSPB quota. The RSPB, it appears, did not accept this request and a further request, to get him a job against the next year's quota, was also denied on ground of it being not as per the policy of the Department. The applicant obviously does not have a right to get employment under the Sports quota just because he was called to appear for a trial and his name was recommended to the higher authority by the local Sports Unit. In any case, an appointment in the Railways under Sports quota is for representing the Department in that sport discipline. The applicant cannot be ordered to be appointed in the year 2019 on the basis of his fitness for the game in the year 2013. Since the applicant has not established any legal right for getting him appointment under the Sports quota the OA is dismissed. No order as to costs.

[Dinesh Sharma]
Administrative Member
Srk.

[Jayesh V. Bhairavia]
Judicial Member