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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 9887/2016

AJAY KUMAR

..... Petitioner

Through Ms. Harvinder Oberoi, Advocate.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through Mr. Jagjit Singh & Mr. Preet Singh,
Advocates for Railways.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MS. JUSTICE SUNITA GUPTA

ORDER

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26.10.2016

We are not inclined to interfere with the impugned order dated 27th October, 2015 dismissing OA No. 244/2014 filed by the petitioner on the ground of limitation.

The petitioner, who is a boxer, was appointed against sports quota under Talent Scouting Scheme as a Office Clerk on 19th October, 2005. This appointment was pursuant to an undated application, which was forwarded to the Minister of Railways along with a letter dated 28th February, 2005 written by a Member of Parliament.

2. At the time of appointment, the petitioner was granted seventeen

advance increments effective from 19th October, 2005 as his appointment was on the basis of his performance in the sport of boxing.

3. After about eight years, the petitioner made a representation dated 23rd March, 2013 for changing his appointment in 2005 from that of an Office Clerk to the post of Senior Clerk with all consequential benefits.

4. When the prayer made was not granted to the petitioner, he filed the aforesaid OA. Along with the OA No. 244/2014, the petitioner also filed an application for condonation of delay stating that being a sportsman, he had remained away from office and was very busy in training and participating as a boxer. We do not think the aforesaid explanation would justify and is a good ground to condone the delay of over eight years. Allowing the petitioner's claim would create confusion and resentment as the grant of appointment in the higher post with retrospective effect would disturb the seniority of those appointed to the post of Senior Clerk between 2005 and 2013.

5. The Tribunal, in the impugned order, has recorded their finding on the question whether the petitioner's certificate of a bronze medal in the Ginaldo Cordova Cardia boxing championship held in Cuba from 25th to 30th April, 2005 was verified. It is obvious that the said tournament was held in

April, 2005, after the application of the petitioner was forwarded by the Member of the Parliament vide letter dated 28th February, 2005. There is dispute as to whether the said certificate was verified and ascertained to be true and correct. We would only record that this aspect, if raised, would be examined afresh and in case it is found that the petitioner had in fact won bronze medal in the said tournament, this would be recorded and kept on record in the service file of the petitioner. However, the designation and post to which the petitioner was appointed in 2005 would not change or be upgraded.

6. We also clarify that in case the petitioner is entitled to any accelerated promotion on account of his performance in the sport of boxing as per the policy or the applicable rules, the petitioner would be entitled to raise the said claim before the authorities in accordance with law.

With the aforesaid observations, the writ petition is disposed of.

SANJIV KHANNA, J.

SUNITA GUPTA, J.

**OCTOBER 26, 2016
VKR/NA**