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IN THE HIGH COURT OF DELHI AT NEW DELHI

WRIT PETITION (CIVIL) No. 1851/2017

Date of decision: 18th August, 2017

ZAKARIA AHMED

..... Petitioner

Through Mr. Towseef Ahmad and Mr.
Shahidul Islam, Advocates.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through Mr. Rajesh Gogna, CGSC & Ms.
Vipra Bharadwaj, Advocate alongwith Mr.
Vivek Kumar Singh, Law Officer CRPF.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAVIN CHAWLA

SANJIV KHANNA, J. (ORAL):

The petitioner impugns the movement order dated 17th February, 2017 by which he has been asked to report to 176 Battalion at LOC in the State of Jammu and Kashmir. The petitioner has also impugned the order dated 15th February 2017 by which the petitioner has been de-inducted from the Central Athletic Team of the Central Reserve Police Force with immediate effect.

2. The respondents in the counter affidavit have pointed out that the petitioner's performance as a sports person (athlete) had declined with age etc. and, therefore, the petitioner has been de-inducted from the Central Athletic Team (Men). The petitioner is today 49 years of age. This would enable another sports person, to be a part of the

Central Athletic Team and achieve success. We do not see anything wrong with the de-induction.

3. Pursuant to an order of remand passed in Writ Petition (Civil) No. 10844/2016 dated 16th November, 2016, the respondents have passed a detailed order 15th February, 2017 highlighting the aforesaid aspects. This order states that the petitioner was never detailed as a Coach or Assistant Coach to train anyone. He has not been trained and certified to work as a coach. The petitioner was asked to maintain official records and in this connection he was detailed as the Assistant Coach of the team by the management of the Central Athletic Team during the All India Police Games solely for the purpose of entering the competition area so as to maintain the said records.

4. The petitioner has been in Delhi for the last 20 years.

5. The respondents have also stated that the Central Athletic Team has three NIS qualified coaches and one Arjuna Awardee. The four coaches are sufficient. The Central Athletic Team does not require any other Coach or Assistant Coach. It is pointed out that the petitioner has not done any course or diploma in coaching. Certain other assertions have been also made.

6. We do not think the movement order requires any interference as it has been passed keeping in view the administrative exigencies and to utilise the services of the petitioner.

7. Counsel for the petitioner has drawn our attention to OM No. 14034/1/2012-Estt.(D) dated 26th July, 2012, which states that as far as possible, services of sportspersons should be utilised for sports related

activities after their active sports career is over, in either coaching or other technical areas.

8. The respondents would keep the aforesaid OM in mind and if and when there is any suitable vacancy/post, where services of the petitioner can be utilised, he would be so considered for appointment.

9. We may note that the transfer order/movement order was stayed vide order dated 28th February, 2017, which records that the petitioner's daughter is appearing in the Board examination, which was scheduled to end on 10th April, 2017. In these circumstances, it was directed that the petitioner shall not be disturbed from Delhi till 15th April, 2017. This order also observes that the petitioner could be given assignment in Delhi if he cannot be retained in the Central Athletic Team.

10. However, for the reasons stated above, we do not see any reason to grant any relief to the petitioner, except and to the extent that the respondents would always consider the petitioner for appointment at an appropriate post connected with the sports.

The writ petition is accordingly dismissed. The stay order is vacated. No costs.

SANJIV KHANNA, J.

NAVIN CHAWLA, J.

AUGUST 18, 2017/MR