

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

OA No-1269/2014

New Delhi, this the 24th day of January, 2020



Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A.K. Bishnoi, Member (A)

1. Sube Ram
S/o Mr. Bhopal
Aged about 45 years,
working as Groundsman (Grade-III)
G-133, Rajeev Garden
Loni, Ghaziabad, Uttar Pradesh.
2. Rajesh Kumar
S/o Mr. Baru Singh
Aged about 49 years,
working as Groundsman (Grade-III)
H.No. I-16, East Jawahar Nagar
Loni, Ghaziabad, Uttar Pradesh.
3. Vidya Nand Yadav
S/o Mr. Shiv Nandan Yadav
Aged about 48 years,
working as Groundsman (Grade-III)
H.No. 26 Nahar Road
Nangalthakran, Bawana, Delhi.
4. Mahinder Singh Khaatri
S/o late Sh. Duli Chand
Aged about 53 years,
working as Groundsman (Grade-III)
H.No. 267, Saini Wali Gali
Holambi Kalan, Delhi.
5. Hardev Parsad
S/o late Sh. Balmukund Sharma
Aged about 47 years,
working as Groundsman (Grade-III)
H.No. C-52, Ganga Vihar, Delhi.



6. Madan Lal
S/o late Sh. Santram
Aged about 46 years,
working as Groundsman (Grade-III)
H.No. L-134, Shakur Pur, Delhi.
7. Gajender Singh
S/o late Sh. Uday Singh
Aged about 50 years,
working as Groundsman (Grade-III)
H No. 270, Pocket-II
Sec A-6, Narela, Delhi.
8. Shiv Gopal
S/o late Sh. Kharbhan
Aged about 48 years,
working as Groundsman (Grade-III)
H.No. 4/16, Gaurav Nagar-II
Prem Nagar II, Nangloi, Delhi.
9. Radhay Shyam Banrai
s/o Mr. Radhyshyam Banrai
Aged about 52 years,
working as Groundsman (Grade-III)
H.No. F/E, 60/87, Sunder Nagari, Delhi.
10. Indra Raju
S/o Mr. Raju
Aged about 47 years,
working as Groundsman (Grade-III)
H No. E-448, Shakur Pur, Delhi.
11. Satish Chand
S/o Nand Kishor Sharma
Aged about 47 years,
working as Groundsman (Grade-III)
H. No. C-815, Sangam Vihar, Delhi.
12. Budh Singh
S/o lste Sh. Himanchal Singh
Aged about 50 years,
working as Groundsman (Grade-III)
Villaged Dhochra
District Bhind, Madhya Pradesh.



13. Tika Ram Juyal
S/o late Sh. Shriram Juyal
Aged about 50 years,
working as Groundsman (Grade-III)
H No. D.99 Jaitpur Ext.,
Gyan Mandir Road
Badarpur, Delhi-110044.
14. Ramkishor
S/o late Sh. Ramchhara
Aged about 49 years,
working as Groundsman (Grade-III)
H N o. 541, Madhopur
Ghaziabad, Uttar Pradesh.
15. Dori Lal
S/o Mr. Narayan Singh
Aged about 49 years
working as Groundsman (Grade-III)
H No. D-33, Madrasi Colony, Gali No. 4, Hari Nagar
Sharvan Vihar, Delhi-110044.
16. Babu Lal
S/o Mr. Gogaram
Aged about 53 years,
working as Groundsman (Grade-III)
H No. 30/10, Baljit Nagar
Shiv Mandir Wali Gali, Delhi.
17. J. Bhaskaran
S/o Mr. P. Jayaraman
Aged about 52 years,
working as Groundsman (Grade-III)
H. No. J-80, Dilshad Colony, Delhi-110095.
18. Rajkumar
S/o Mr. Kishan Lal
Aged about 51 years,
working as Groundsman (Grade-III)
H No. D-IE-92/10, Welcome Colony
Shahara, Delhi-110053.
19. Amrit Lal
S/o late Sh. Ram Prasad
Aged about 50 years,

working as Groundsman (Grade-III)
H. No. CPJ-1/55, New Seelampur
Delhi-110053.



20. Amul Chand Das
S/o Kailash Chand Das
Aged about 49 years,
working as Groundsman (Grade-III)
H No. 1254, Rangpuri
Bangali Colony, Delhi-110037.
21. Azad Singh
S/o Mr. Ram Singh
Aged about 51 years,
working as Groundsman (Grade-III)
Village Garhibala
Post Bindroli, District Sonipat, Haryana.
22. Shiv Ram
S/o r. Citabi
Aged about 52 years
working as Groundsman (Grade-III)
Village Jasola, Post Asavati
District Palval, Haryana.
23. Umesh
S/o late Sh. Shishram
Aged about 48 years
working as Groundsman (Grade-III)
H No. A-54, Ambedkar Vihar
Johripur Extensions, Delhi-110094.
24. Lakhi Ram
S/o late Sh. Yogeshwar
Aged about 51 years
working as Groundsman (Grade-III)
H. No. 51, Jaitpur Vistar Part-II
Badarpur, Delhi-110044.
25. Banaras Prasad
S/o late Sh. Devki Mahto
Aged about 51 years
working as Groundsman (Grade-III)
H. No. 1/18, Jaitpur Ext. Part-I
Badarpur, Delhi-110044.



26. Satpal
S/o Mr. Ratan Lal
Aged about 52 years
working as Groundsman (Grade-III)
H. No. S-18, Pandav Nagar, Delhi-110092.
27. Ramayan Prasad
S/o late Sh. Mishri Ram
Aged about 50 years
working as Groundsman (Grade-III)
H. No. D-25, Sec-24, Rithala
Rohini, Delhi-110085.
28. Ram Sagar
S/o Mr. Ramlotan Kahar
Aged about 49 years
working as Groundsman (Grade-III)
AD-66, Shalimar Bagh, New Delhi.
29. Chandeshwar
S/o late Sh. Devnarayan
Aged about 53 years
working as Groundsman (Grade-III)
H. No. I-14, Harinagar Ext.
Badarpur, Delhi-110044.
30. Lal Chand
S/o Mr. Yadu Nath
Aged about 46 years
working as Groundsman (Grade-III)
H. No. H 351, Sawda JJ Colony
Ghavera, Delhi-110081.
31. Shivdyal
s/o late Sh. Mangi Singh
aged about 55 years
working as Groundsman (Grade-III)
Village Kayori Kalan
Post Askar Pur, district Bulandshar, Uttar Pradesh.
32. Shiv Prasad
S/o late Sh. Jurra
Aged about 52 years
working as Groundsman (Grade-III)
Village Mattupurva, District Gonda

Uttar Pradesh.

...Applicants

(through Sh. G. Sivabalamurugan)

Versus



1. Union of India
Through Secretary
Ministry of Sports and Youth Affairs
Shastri Bhawan, New Delhi.
2. Director General
Sports Authority of India
Jawahar Lal Nehru Stadium
New Delhi-110003.
3. Secretary
Sports Authority of India
Jawahar Lal Nehru Stadium
New Delhi-110003.

...Respondents

(through Ms. Geetanjali Sharma)

ORDER(ORAL)

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman

We notice that totally unsatisfactory state of affairs is prevailing in the Sports Authority of India (SAI), in the context of the framing or implementation of the service rules. No attention appears to have been paid to it. The result is the avoidable litigation.

2. In this OA, we are concerned with the post of Groundsmen of different categories. The applicants joined the service of the SAI as Casual Labourers on 29.09.1986. It is stated that they were made permanent on 29.11.1990 and appointed to Groundsmen, Grade-III.

Through a notification dated “July 1993”, the SAI is said to have published, what are known as “Sports Authority of India (SAI), Bye laws and Condition of Service Regulations, 1992”.



3. Neither the cadres are provided in the Regulations nor any structure is indicated. They are descriptive in nature, than are in the form of rules. The post of Groundsmen is divided into three categories, i.e., Grade III with pay scale of 750-940, Grade II with 950-1500 and Grade I with 1200-2040. The ratio among them is said to be maintained at 60:30:10. This is followed by a schedule, which provided for filling up of those posts of Grade III by direct recruitment and Grade II and I by way of promotion. The required service in the category is also indicated.

4. The applicants contend that the respondents have earlier promoted the Grade III Groundsmen en bloc to Grade II and, thereafter, Grade I and similar treatment was not extended to them. Reliance is placed upon certain proceedings including the one dated 05.02.1996.

5. On behalf of respondents, counter affidavit is filed. It is stated that the very creation of posts at Grade II and I was not approved by the Government, and the promotions were being made depending on convenience. Reliance is placed on the correspondence that ensued

between the SAI and the Government. They have also stated that the promotion from Grade III to II, and from Grade II to I, is subject to availability of vacancies.



6. We heard Sh. G. Sivabalamurugan, learned counsel for the applicants and Ms. Geetanjali Sharma, learned counsel for the respondents.

7. It is not uncommon that, there exist posts at various stages and levels in the establishments and in many cases, the upward movement is wholly or partly through promotion. The appointment to Grade III was by way of direct recruitment. There is no controversy about it. Further movement is to Grade II. The so called recruitment rules, contain the following preamble:

“ In exercise of the powers conferred by Rule 14 & 15 of the Rules of Sports Authority of India, updated as on 31st March, 1990, the Sports Authority of India hereby makes the following

SPORTS AUTHORITY OF INDIA (SERVICE) BYE LAWS AND CONDITIONS OF SERVICE REGULATIONS 1992.

TITLE

i) These bye-laws shall be called Sports Authority of India (Service) Bye-laws and Conditions of Service Regulations 1992.

ii) These Bye-laws and regulations shall be deemed to have come into force with effect from 5th Sept. 1992 the date of their approval by the Governing Body. All actions pertaining to conditions of services and relating to service matters till the date of commencement of thee

rules shall be deemed to have been taken under the authority of these bye-laws and rules.”

8. The following passage is found, dealing with Groundsmen:



“ Similarly, the post of Groundsman which is also a cadre peculiar to SAI, 3 grades have been proposed in the Recruitment Rules i.e. Grade II in Rs. 750-940 scale, Grade II in Rs. 950-1500 scale, Grade-I in Rs. 1200-2040 scale. It has also been provided in the Recruitment Rules that the promotion will be granted after undergoing an orientation course on ground maintenance and other related matters. Promotion will be given after completion of 8 years. It is also proposed that the ratio will be 60:30:10.”

The eligibility for promotion also, from one Grade to another is mentioned as under:

“ Groundsman

The cadre of Groundsman is peculiar to the SAI and taking into account the size of the cadre and also with a view to improve prospects of their promotion. It is proposed to provide promotional avenues on the following lines. There shall be 3 Grades of Groundsman i.e. Groundsman (Gr. I) in the pay scale of Rs. 1200-2040. Groundsman (Gr. II) in the pay scale of Rs. 950-1500 and Groundsman (Gr.III) in the pay scale of Rs. 750-940.

For promotion the following norms are proposed:-

From Grade-III to Grade-II 7 years

From Grade-II to Grade-I 8 years

Allocation to promotion will be as follows:

60% in Grade III, 30% in Grade II and 10% in Grade I.

The Promotion will be granted on completion of eligibility period and also undergoing orientation course on Grounds preparation, Grounds maintenance and other related matter.

Promotion to Grade I will be after completion of educational qualification i.e. 10th class pass and undergoing orientation course.

The promotion will be subject to the provisions of qualitative requirements proposed in the schedule of coaches and undergoing orientation.”



9. Even in their not so perfect and nascent form, the Regulations make it clear that the promotion from Grade III to Grade II, is on completion of seven years of service and from Grade II to Grade I is on completion of eight years of service. This, naturally, shall be subject to availability of vacancies. The ratio of 60:30:10 is indicated. In the schedule, the number of posts of Grade III is mentioned as 223+180. However, the corresponding number for Grade I and II is not indicated. Even if the schedule is silent about it, the cadre strength of Grades I and II, cannot be the same as Grade III.

10. One hardly comes across any instances where, the employees in the lower cadre are promoted en bloc to higher cadre, irrespective of the number of vacancies. That, however, has happened in the respondent organization. In their proceeding dated 05.02.1996, the departmental promotion committee observed as under:

“The Committee recommended that the following groundsman grade III in the order of seniority who have rendered 7 years 8 months service in the pay scale of Rs. 750-940 and as per provision contained in the Recruitment Rules of SAI a groundsman grade III in the pay scale of Rs. 750-940 is to be given 100% promotion as groundsman grade II in the pay scale of Rs. 950-1500 who have rendered 8

years of service as groundman grade III and having attended orientation course, the short fall of 4 months in their service has been relaxed by Director General under his powers delegated to him in the Recruitment Rules. They have undergone three weeks orientation course at SAI NS NIS Patiala from 15.1.96 to 3.2.96 be promoted as Groundsman Grade II in the pay scale of Rs. 950-1500. Their interse seniority will remain the same.”



11. The expression “100% by promotion” indicates that there is no element of direct recruitment for the post concerned. However, it was interpreted to mean that the entire feeder category shall be promoted en bloc, on completion of the residency period. The result was that, whoever has completed the requisite length of service in the lower grade, was promoted to a higher grade, without even verifying the number of vacancies that are available in the post or grade. There cannot be a better instance of mismanagement than this.

12. During the pendency of the OA, the applicants were promoted to Grade II through an order dated 22.03.2017. Their present grievance is only about promotion to Grade I. That would depend upon the availability of vacancies and their fulfilling the conditions. Even now, it would be prudent for SAI to clearly define the cadre strength of various levels and to streamline the process of promotion. Steps can also be taken to frame a perfect set of Service Rules, replacing the existing set up which is ambiguous and uncertain. In case, there exist any vacancies in Grade I, and the applicants have fulfilled the

conditions, their cases shall be considered for promotion. This exercise shall be completed within three months from the date of receipt of a certified copy of this order. There shall be no order as to costs.



(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/ns/