

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.1112/96

New Delhi, this the 12th day of May, 2000.

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)
HON'BLE MRS. SHANTA SHASTRY, MEMBER (A)

Sh. Suresh Harmilapi, S/O Capt. Roop
Chand Harmilapi, R/O KG-I-482, Vikaspuri,
New Delhi - 110 018.

.....Applicant.

(By Advocate: Sh. S.Ganesh, proxy counsel for Sh.B.
Shekhar, counsel for applicant along with
the applicant)

VERSUS

1. Union of India Through Secretary,
Deptt. of Youth Affairs & Sports,
Ministry of Human Resources
Development, New Delhi.
2. Sports Authority of India through
Director General, Sports Authority
of India, Jawaharlal Nehru Stadium,
Lodi Road, New Delhi - 110 003.
3. Sh. S.K.Saggar, Director, Sports
Authority of India, Jawaharlal
Nehru Stadium, Lodi Road, New Delhi
- 110 003.
4. Sh. P.C. Kashyap, Director, Sports
Authority of India, Jawaharlal
Nehru Stadium, Lodi Road, New Delhi
- 110 003.

...Respondents.

(By Advocates: Mr. K.C.Sharma & Sh. M.K.Gupta)

O R D E R (ORAL)

By Hon'ble Mrs. Shanta Shastri, M (A):

The applicant has worked as badminton coach and was attached to the Haryana Sports Department as senior badminton coach. An advertisement was issued in June-July, 1984 by Respondent 2 in the newspaper for regular appointment for the post of Dy.Director in the pay scale of Rs.1100-1600/-. The applicant applied for the same. He was called for an interview along with two other persons, namely, Sh. M.P.Ganesh and Sh. Prem Chand Kashyap. On the basis of the interview held, a

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select panel was prepared and they were ranked in the following order.

1. Sh. M.P.Ganesh
2. Sh. Prem Chand Kashyap
3. Sh. Suresh Harmilapi.

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2. Initially on the basis of vacancy position, Sh. Ganesh was appointed as Dy.Director. Soon thereafter, Sh. Ganesh resigned as Dy.Director in the office of Respondent No.2 leading to a vacancy in the post of Dy.Director. The same was offered to Sh. Kashyap, the number two in the panel of Dy.Directors, on 6.12.86.

3. In the meantime, on the basis of selection which was held for the post of Coaches in August, 1986, the applicant was appointed as Coach Grade-II in the subordinate office of respondent No. 2 at Madras. He worked there till 19.1.88. On 4.12.86, an offer of appointment as Dy.Director was made to one Sh. S.K.Saggar, who was then working with TISCO and who is respondent 3 in the present OA. The applicant came to know about this when he was transferred from Madras to Delhi in January, 1988. The applicant, therefore, represented against this and finally he approached the Hon'ble High Court. The High Court allowed his petition vide their orders dated 10.1.95 and directed that "Respondent 1 shall appoint the applicant to the post of Dy.Director on the basis of his selection in the interview held and his ultimate placement in the select panel on 17.12.85. It was also made clear that the applicant when appointed pursuant to this order, will get

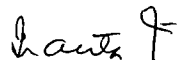
his seniority as per his ranking in the select panel over the persons appointed in the interview". The respondents complied with the directions and gave appointment to the applicant as Dy. Director on 30.6.95 on notional basis from 1.1.87. In the meantime, during 1991, the DPC met for promotion to the post of Director. At that time, since the applicant was not a Dy. Director, he was not considered and others were promoted. After the directions of the Hon'ble High Court and after the respondent's compliance of the orders of the High Court, the applicant's case was considered in a review DPC, taking into account that the applicant was notionally appointed as Dy. Director w.e.f. 1.1.87.


4. The review DPC considered the applicant's record for the years from 1986 to 1991, when he was working as a Coach Grade-II. The DPC found him unfit on the basis of the ACRs and accordingly, the applicant could not be given promotion to the post of Director. This we have seen from the record of selection meeting produced by the official respondents.

5. The learned counsel for the respondents submits that this post being a group 'A' post, the bench mark is "Very Good" whereas the applicant has failed to get this bench mark. Learned proxy counsel for the applicant contends that it was wrong on the part of the selection committee to consider the applicant's record in his capacity as a Coach and not as Dy. Director, since, he had been working as a Coach and his promotion was notional from 1.1.87.

6. We have heard the learned counsel for both the parties and have given careful consideration to the pleadings and submissions made. We are not impressed by this argument because there is no other basis on which the applicant could have been considered since he had not worked as Dy. Director. The DPC has rightly seen five year's ACRs of the applicant in the post of Coach for promotion to the post of Director. We are satisfied that the DPC has given an opportunity to the applicant by holding the review DPC, considering his case, in spite of the fact that he had not worked as Dy. Director actually as of 1991. Learned counsel for the respondents has further submitted that no further DPC has been held thereafter and the case of the applicant would be considered at the appropriate time in the next DPC meeting in accordance with the Rules.

7. In the above facts and circumstances of the case, the OA is dismissed. No order as to costs.


(Shanta Shastri)
Member (A)


(Mrs. Lakshmi Swaminathan)
Member (J)

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