

Central Administrative Tribunal, Principal Bench

O.A. 2051/97

New Delhi, this the 17th day of August, 2000

Hon'ble Mr. Kuldip Singh, Member (J)
Hon'ble Mrs. Shanta Shastri, Member (A)

Smt. Tanuja Pandey, Volley Ball coach,
Sports Authority of India (Directorate of Coaching),
Jawaharlal Nehru Stadium,
Lodi Road Complex,
New Delhi-110 003.

...Applicant

By Advocate: Shri Madhav Panikkar.

Versus

Union of India

Through:

Director General, Sports Authority of India
(Directorate of coaching),
Jawaharlal Nehru Stadium,
New Delhi.

..Respondents

By Advocate Shri K.R. Sachdeva.

ORDER (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (J)

The applicant in this case has prayed for the following reliefs:-

"(1) The respondents be directed to consider the applicant for promotion to the Grade of Rs.2200-4000 w.e.f. 15.7.96 as done for her colleagues under the impugned orders 7.8.96, with all arrears with interest.

(ii) The respondent be directed to include the name of the applicant in the promotion list to Grade-III A in order of the date of her joining the service in Grade-III B on 27th March, 1985."

2. Facts in brief are that the applicant was working in Netaji Subhash National Institute of Sports,

✓ Patiala (hereinafter referred to as NSNISP) as a Volley Ball Coach. The services of the employees of various such institutions were taken over by the respondents, i.e., the Sports Authority of India. All the coaches who were working under the NSNISP were automatically upgraded from Grade III-B Coaches to Grade III-A and for that purpose a list was issued on 25.3.1988. Somehow the name of the applicant was omitted even though the names of large number of coaches from that Institute were included in the list. However, the applicant was promoted to Grade III-A w.e.f. 4.4.1988 and not from a date when her colleagues were promoted, i.e. 25.3.88 and it is, therefore, stated that she was entitled to be included in the list of 25.3.1988. It is also stated that inclusion of her name in the subsequent list, is illegal, arbitrary and is bad in the eyes of law and, therefore, the same is liable to be set aside and quashed and consequently, she is also entitled to further promotions.

3. The application is contested by the department and a plea regarding limitation was taken that the O.A. is barred by time. However, it was agreed at the Bar that in case the applicant does not claim the arrears, the plea of limitation will not be raised and the case may be heard on merit.

4. Shri Madhav Panikkar appearing for the applicant promptly made a statement that his client would not claim arrears if on merits it is found that she is eligible to be included in the list of 25.3.88 and was entitled to consequential benefits. *for*

✓ 5. Even otherwise we have gone through the pleadings and find that the name of the applicant could not be included in the list for no fault on her part rather the papers were not properly sent by the NSNISP to the respondents, i.e., the Sports Authority of India. So we are of the considered opinion that since in this case, the applicant was not at fault, the plea of limitation will not come in her way. Therefore, we allow the application for condonation of delay. (A)

6. We have also heard Shri M.K. Gupta, Counsel for the respondents on merits as well and have also gone through the record.

✓ 7. The pleadings and the documents filed on record show that the applicant was eligible to be considered for being included in the list of Promotion from Grade III-B to Grade III-A dated 25.3.88 but since the NSNISP had not sent the papers in time, so she could not be considered for the same. This goes to show that the applicant had a strong case to be considered along with her colleagues when they were considered by the DPC for promotion from Grade III-B to Grade-III-A. Merely because the papers were not sent, she could not be denied her right for being considered for promotion from Grade III-B to Grade III-A at the relevant time. Hence we are of the considered opinion that this OA deserves to be allowed and we direct the respondents to consider her case by constituting a review DPC and in case she is found fit, to grant promotion according all the consequential benefits also. However, for the past period she will not be given any

for

✓ monetary benefits as submitted by her counsel Shri Madhav Paniker. But she will be entitled to seniority, if any as a consequence to the recommendation of the DPC.

(R)

8. The O.A. is disposed of accordingly. No costs.

Laura F

(Mrs. Shanta Shastri)
Member (A)

Kuldip Singh

(Kuldip Singh)
Member (J)

/Rakesh