

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

OA 2110/2000

New Delhi, this the 14th day of December, 2001

Shri Govindan S. Tampi, Member(A)

Sh. B.M.Bhardwaj,
Youth Officer, NSS:Regional Centre,
New Delhi.
15/11, Jam Nagar House,
New Delhi-110001.Applicant
(By Advocate: Shri N.L.Bareja)

Versus

1. The Govt. of India,
Through its Secretary,
Ministry of Human Resources Development,
Department of Youth Affairs & Sports
(Now called as Ministry of Youth Affairs
and Sports)
Shastri Bhawan, New Delhi.
2. The Secretary,
Ministry of Home Affairs,
(Dept. of Personal Training)
New Delhi-110001.
3. The General Manager,
Northern Railway Baroda
New Delhi-110001.
4. Programme Advisor Cell, through:
The Asstt. Programme Advisor,
Ministry of Youth Affairs and Sports,
Regional Centre, NSS,
15/11, Jam Nagar House,
New Delhi-110001.Respondents.
(By Advocate: Shri RajinderKatter)
Shri P.P.Ralen proxy counsel of J.B.Mudgil)
Respondent No. 1 and 2.

O R D E R(Oral)

By Hon'ble Govindan S.Tampi, Member(A)

Heard all the counsel.

2. Order No.19012-2/89 YS III dated 20.1.2000, granting the applicant one special increments modifying the grant of five special increments, as per letter dated 22.3.99, is under challenged this OA.
3. The applicant a Sportsman who was enrolled with the Army during 1974-85 joined Northern Railway; after release

from the Army where he was appointed as Enquiry-cum-Reservation Clerk against sports quota, whereafter he was made Welfare Association (WLA/Sports). He continued his sport activities in Boxing and was also Secretary of RPF Sport Committee. He also participated in various tournaments from 1976 to 1986 including to Boxing i.e. National Boxing Championship, 8th Asian Games, Bangkok in the year 1978, 9th Asian Games, New Delhi in 1982 and won medals. Besides, he functioned as Railways Coach in boxing in addition to performing as referee and judge in National Championship in 1994-95. He is making with the present employee since 1991 keeping the above payment in mind he was granted five special increments in term of DoPT OM dated 16.7.85 by the order dated 22.3.99. Thereafter the respondents came to the decision that grant of five increment was inadvertent and modified the same by the impugned orders dated 20.1.2000 and 24.8.2000, receiving the number of increments to one. Hence this OA. The applicant challenges the above orders and states that as he had fulfilled the criteria fixed by the concerned OM granting special increments to outstanding sportsperson for their excellent performance, subject to maximum five incorrectness in total career the action of the respondents for bringing down the same to increment from five was incorrect and should therefore be set aside. Shri Bareja learned counsel for applicant who fervently argued the case of the applicant who points out that the respondents have not cared to put the applicant on notice, when the decision adversely affecting the applicant has been taken and implemented. The impugned orders, therefore, deserve to be set aside, he argues.

4. Shri P.P. Rahlan proxy counsel of respondents under whom the applicant is presently working as stated that the applicant was entitled to only one increment which was granted to him and not five increments, which was wrongly granted earlier. If he feels that he was entitled to more than one special increment he should seek the same from the Ministry of Railway (Northern Railway) under whom he was working earlier. This point is disputed by Shri Rajinder Khatter, learned counsel for Respondent no.3 Northern Railway who points out that the scheme for grant of special increments for the excellence in sport which was introduced by DOP and AR in 1985 was made applicable to Railways only in May, 1990 and therefore there was no question of granting any increments to the individual concerned while he was working with them. According to Relhan no interference at all was called for from the Tribunal as the applicant he had been given what he was entitled for after he DoPT's Scheme was introduced in 1985 and he cannot seek any further indulgence with retrospective effect in respect of his preference during earlier period.

5. I have considered the matter. The scheme for grant of Special increments not exceeding five in the entire career to outstanding sports was for excellent performance as well as for coaching and officiating in prestigious sports events both at the national and international level was introduced by the Government of India through Ministry of Personnel and AR OM No. 6/1/85-estt.(Pay I) dated 16.7.85 as an incentive in addition to grant of Special Casual Leave. These increments available to the Government Servants from the date of grant to the date of retirement would count for retirement benefits, though not for pay fixation on promotion. The

scheme is prospective in nature and would be available to the staff for excellent performance shown after 16.7.85. However, for the Railway Staff, the scheme became available only from May, 1991. The respondents, who originally granted five increments to the applicant on 22.3.99 had gone back on it by the impugned letters dated 20.1.2000 and 24.8.2000 and had directed that he would be entitled for only one increment and that he can collect the arrears for the period 1986-89 from his earlier employer - Northern Railway. This could not have been done as the Railway did not have the scheme till May, 1999, when the applicant was working with them. The insistence as the part of the respondents to as certain whether the applicant was granted any special increment was not based on any law as the applicant's service book itself made it clear that no increment had been sanctioned. That being the case it is evident that the special increment could have been given only by the present employers. The respondents had granted the applicant five incremented for a single event at Pune during 1986-87, which was not correct. Only one increment should have been given and therefore the correction ordered by the impugned order dated 20.1.2000 cannot be faulted. Fact however, remains that the applicant had become entitled for two more increments for officiating as referee/judge in the National Boxing Championship at Calcutta during 1994 and at Jaipur in 1995. It is also seen that he had been officially sponsored for the same (even otherwise clarification issued by the DoP on 30.10.1989 makes it clear that Government sponsorship is not essential). That being the case the applicant is to be granted one increment in connection with the performance during 1986-87 already granted by the respondents, second from 1994 and third from 1995 rates of increment existing as the date to be revised

to the lowest rate of increments to be drawn in the revised scale, corresponding to the one in which the increment was first drawn. This will have to be done in the interest of justice.

6. In its view of this matter the O.A. succeeds partially and is accordingly disposed of while endorsing as correct the grant of one increment only granted vide the impugned order dated 20.1.2000 as it related to one event only. I direct the respondents to grant the applicant two more increments from 1994 and 1995 at the rates on relevant dates with due revision in the revised scale after adoption of the 5th Pay Commission recommendations. Respondents shall work out the amount to be paid in the above manner and adjust the excess payments if any made or make good the deficiency if any. This shall be made done within a month from the date of receipt of a copy of this order. No costs.

(Govindan S. Tampi)
Member(A)

