

**CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK**

**ORIGINAL APPLICATION NO. 397 OF 2006
CUTTACK, THIS THE 31ST DAY OF July, 2009**

R.N.Singh & Ors.....Applicants

Vrs.

Union of India & OrsRespondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not ?
2. Whether it be circulated to all the Bench of the Central Administrative Tribunal or not ?

(C.R.MOHAPATRA)
MEMBER (ADMN.)

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(K.THANKAPPAN)
MEMBER (JUDL.)

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CENTRAL ADMINISTRATIVE TRIBUNAL CUTTACK BENCH, CUTTACK

ORIGINAL APPLICATION NO. 397 OF 2006
CUTTACK, THIS THE 3RD DAY OF July, 2009

CORAM :

HON'BLE MR. JUSTICE K. THANKAPPAN, MEMBER(J)
HON'BLE MR. C.R. MOHAPATRA, MEMBER(A)

1. Raghunath Singh aged about 39 years, Son of Balakrushna Singh, resident of At/Gunupur, PO- Dharamdaspur, Dist-Cuttack. At present working as Grounds Man-II. At-Sports Authority of India, Special Area Game.
2. Raghunath Routray, aged about 44 years, Son of late Ghanashyam Routray of Vill-Sanamulia, P.O.-Badamulia Dist.-Cuttack, At present working as Grounds Man-II. At-Sports Authority of India, Special Area Game, Water Sports Centre, At/PO-Jagatpur, Dist- Cuttack.
3. Jurio Patra aged about 39 years, S/o Balaram Patra, of Vill/PO-Kholakhali Via Buguda, Dist-Ganjam, At present working as Grounds Man-II. At-Sports Authority of India, Sports Training Centre, Barabati Stadium, Cuttack.
4. Anadi Koyal aged about 39 years, S/o-Sudan Koyal, At-Jotabardanagar, PO- Bardhanagar, Dist-24 Pragana, West Bengal. At present working as Groundsman-II, At-Sports Authority of India, Special Area Game, Water Sports Centre, At/PO-Jagatpur, Dist. Cuttack.
5. Akshaya Kumar Parida, aged about 38 years, S/o-Benudhar Parida, At/PO- Shasan, Via- Alava, P.S. Pattamundai, Dist. Kendrapara. At present working as Grounds Man-II. At-Sports Authority of India, Dhenkanal Stadium,Dhenkanal.

... Applicants

By the Advocates - Mr. Trilochan Rath

-Versus-

1. Union of India represented through The Director General, Sports Authority of India, Department of Personnel, Jawaharlal Nehru Stadium, Lodhi Road, Complex, New Delhi-110003.
2. The Regional Director, Sports Authority of India, Netaji Subas Eastern Centre, Salt Lake City, Kolkata-700098.
3. Dy. Director, Sports Authority of India, Training Center, At/PO-Barabati Stadium, Dist. - Cuttack-5.

... Respondents

By the Advocates - Mr. R.N.Mishra

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ORDER

Shri Justice K. Thankappan, Member (J):-

Applicants, five in number, have filed this O.A. praying that this Tribunal may direct the Respondents to promote them as Groundsman, Grade-II w.e.f. the date of their completing 8 years of service in the grade of Groundsman, Grade-III and grant such other financial benefits.

2. The brief facts of the case are as follows:

All the applicants were initially engaged as casual labourers in early 1989 and subsequently appointed as Groundsman, Grade-III in the pay scale of Rs. 750-940/-, which was revised on the recommendation of 5th Central Pay Commission to Rs. 2550-3200/-. As per the Staff Recruitment Rules, 1992 applicable to the Sports Authority of India (Life, Guard and Grounds), a person who completes 8 years of service and has attended the Orientation Course, shall be entitled to be promoted as Groundsman-II. However, during 1997-98 till 2002 though the applicants had completed 8 years of service, neither they have been given any promotion nor has the meeting of the DPC been convened for consideration of the case of the applicants for promotion to the post of Groundsman-II as there was a ban on appointment on promotion, and further

- 3 -

the Department has not conducted any Orientation Course. However, during 29.07.2002 to 16.08.2002 the Orientation Course was conducted by the Respondents and thereafter on lifting of the ban on promotion, the applicants were promoted to the post of Groundsman-II. Aggrieved by the action taken by the Respondents for not promoting the applicants as and when they had completed 8 years of service in the Grade of Groundsman-III and on the ground of non-conducting of the Orientation Course by the Department, the applicants are aggrieved and have filed this O.A.

3. When the O.A. was admitted, notice was ordered to the Respondents. On receipt of notice from this Tribunal, a counter reply has been filed for and on behalf of the Respondents. The stand taken in the counter reply by the Respondents is that since there was complete ban on appointment on promotion in any category, as per order dated 7.11.1996 issued by the Department of Youth Affairs and Sports, Govt. of India, all the promotions were stopped and hence the applicants could not be promoted. However, it is further stated in the counter reply that since the Recruitment/Service Rules provide 8 years of service and undergoing of Orientation Course as a necessary qualification for promotion to the post of Groundsman-II and also as there

was a ban on appointment on promotion in the Department, the applicants are not entitled to be promoted w.e.f. completion of their 8 years of service and only because of lifting of the ban subsequently by the Department, the applicants' cases were considered and they were promoted to the post of Groundsman-II after having the Orientation Course.

4. We have heard the Ld. Counsel appearing on either side and have perused the relevant records produced in the O.A.

5. Ld. Counsel for the applicant Mr. T.Rath, reiterating the grounds urged in the O.A., submits that as per the existing Service Rules, the completion of 8 years of service and Orientation Course are basic qualification for promotion to the higher grade of Groundsman-II. If so, according to the Ld. Counsel, since the ban had been imposed only on appointment on promotion, the Orientation Course could have been conducted for the applicants and others. Therefore, the non-conducting of the Orientation Course by the Department as per the existing rules is a culpable attitude with ulterior motive taken by the Department for not promoting the applicants. In the above circumstances, the Ld. Counsel for the applicants submits that the non-convening of DPC meeting for promoting

the applicants to the post of Groundsman-II as and when they completed 8 years is not justifiable and the promotion now ordered should be antedated to that of their date of completion of 8 years of service in the feeder category. In spite of representations made by the applicants, the Department kept silent, and according to the counsel, the only reason stated in the reply affidavit is that because of the imposition of ban on appointment on promotion imposed by the Department from 1.1.1996, the Department could not promote the applicants, is untenable. There is also no justification for non-conducting of Orientation Course by the Department as there was no ban on conducting Orientation Course.

6. To the above contentions of the Ld. Counsel for the applicants, the Ld. Counsel for the Respondents, relying on the counter affidavit, submits that due to the ban imposed by the Department on appointment on promotion, there was no necessity for conducting any Orientation Course even if the applicants had completed 8 years of service during 1997-98. Even if any Orientation Course was conducted by the Department during the ban period, that by itself would not help the applicants to be promoted to the post of Groundsman-II. In the above circumstances, the Ld. Counsel for the Respondents submits that as and when the ban on appointment on promotion

was lifted during 29.1.2002, the Orientation Course was conducted and the applicants were promoted w.e.f. that date and the Department is justified in promoting the applicants from that date onwards.

7. On our anxious consideration of the stands taken by the Ld. Counsel appearing for the either side, the question to be decided is whether the applicants are justified in praying for antedating their promotion to the post of Groundsman-II w.e.f. the date of their completing 8 years service or not ? As per the Service Rules of Department, it is the duty of the Department to conduct Orientation Course to every employee working in various grades, especially in the grade of Groundsman-III. It is a fact admitted in the counter affidavit that the applicants have completed their 8 years of requisite service for promotion during 1996-97. But due to imposition of ban on appointment on promotion, they could not be promoted by the Department. The reason as to why the Department had not conducted any Orientation Course, which was not banned by the Department as per the letter dated 7.11.1996, has not been assigned by the Respondents in their counter. If so, it is the question to be considered by the Department and to see whether the applicants are entitled for promotion w.e.f. the date of their completion of 8 years of service in the feeder category or not and whether it is

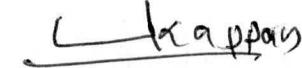
possible to justify the non-conducting of the Orientation Course during 1996-97 as and when the applicants completed their 8 years of service in the feeder category.

8. In consideration of all the above, we are of the view that this matter requires reconsideration by the Department, especially when the Department had admitted that there was no ban on conducting Orientation Course as and when the applicants had completed their 8 years of service. In the above circumstances, we are disposing of this O.A. with a direction to the Respondents, namely, Respondent Nos. 2 and 3, to consider the issue of antedating of promotion to the applicants w.e.f. the date of their completion of 8 years of service in the feeder category. This exercise shall be completed by the Department within a reasonable time, at any rate within three months of the receipt of a copy of this order.

9. With the above observation and direction, the O.A. is allowed. No order for costs.


(C.R. Mohapatra)

MEMBER (ADMN.)


(K. Thankappan)
MEMBER (JUDL.)