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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

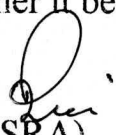
Original Application No. 651 of 2012


Cuttack, this the 12th day of May, 2014

K. Satyanaryan Murty	Applicant
	Versus	
Union of India & Others	Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the reporters or not? ✓
2. Whether it be referred to PB for circulation? ✓


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judicial)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH, CUTTACK

O. A. NO. 651 OF 2012

Cuttack this the 3rd day of May, 2014

CORAM

HON'BLE MR. A.K. PATNAIK, MEMBER (Judl.)

HON'BLE MR. R. C. MISRA, MEMBER (Admn.)

.....

K. Satyanaryan Murty
aged about 61 years,
Son of Late K.Rama Joga Rao,
Plot No. 1322, Kanoongo Apartment,
Madhusudan Nagar, Cuttack-8
was working as Assistant Account Officer (Retd),
O/o Director of Postal Accounts,
Mahanadi Vihar, Cuttack-753004.

...Applicant

(Advocates: M/s. S.K.Ojha, S.K.Nayak)

VERSUS

Union of India Represented through

1. Secretary, Govt. of India,
Ministry of Communication,
Department of Posts, Dak Bhawan,
Sansad Marg, New Delhi-110001.
2. Chief Post Master General,
Orissa Circle, Bhubaneswar,
Khurda.
3. Director of Accounts (Postal),
Mahanadi Vihar,
Cuttack-753004.
4. Sr. Accounts Officer (Admn-1),
O/o Director of Accounts (Postal),
Mahanadi Vihar,
Cuttack-753004.

... Respondents

(Advocate: Mr. L. Jena)



ORDER**A.K.PATNAIK, MEMBER (JUDL.):**

Applicant while working as Assistant Accounts Officer in the office of Director of Postal Accounts, Cuttack, on attaining the age of superannuation retired on 31.10.2011. Applicant submitted that he being an International Table Tennis Umpire had officiated as Umpire in the Indian Junior Open 2007 (ITTF World Junior Circuit Event) from 12th to 15th of September, 2007 for which he was sanctioned two advance increments w.e.f. September, 2007. The grievance of the applicant is that he was again sponsored and officiated as an International Umpire in the Indian Junior and Cadet Open 2009 (ITTF World Junior Circuit Event) held at Indore from 15th to 18th September, 2009 but this time he was denied the two advance increments. Ld. Counsel for the applicant, Mr. S.K.Ojha, submitted that as per the Govt. of India instruction under Annexure-A/2 a man officiating as Referee/Umpire and Coaches, who excel at the National/International level may be granted two advance increments for each event subject to total five increments in the entire career. Ventilating his grievance, the applicant approached the Respondents-department through a representation dated 15.12.2009 vide Annexure-A/4, which has been turned down vide Annexure-A/5 dated 08.02.2011 by the Respondent No.4 on the ground that the applicant was already granted two advance increments for participating as Umpire in the same field earlier, i.e. in the year 2007 and since the applicant has been nominated as Umpire in the same



field again, he will not be eligible to get more two advance increments. Thereafter, the applicant approached Respondent No.2 vide Annexure-A/6 to reconsider his case and allow him two increments, which has also been regretted vide Annexure-A/7. In the above background of the case, he has filed this O.A. under Section 19 of the Administrative Tribunals Act, 1985 praying for following reliefs:

- “(i) To quash the order of rejection under Annexure- A/5 and A/7.
- (ii) To direct the Respondent No.2 to sanction the two advance increment from 2009 to till his retirement i.e. 31.10.2011.
- (iii) To direct the Respondent No. 2 to give 18% interest per annum.....”.

2. Respondents have filed their counter opposing the prayer of the applicant. The main thrust of the Respondents in their counter is that the applicant was first nominated by the ITTF to officiate as Umpire in the 2007 Indian Junior Open ITTF World Junior Circuit International Event at Panjim, Goa from 12.09.2007 to 15.09.2007 for which he was granted two advance increments in the form of Personal Pay vide Letter No. S.Cell/SPLINC/2000, dt. 01.12.2008. The applicant was again nominated by the ITTF to officiate as Umpire in Indian Junior and Cadet Open- 2009 ITTF Jr. Circuit Table Tennis Championship at Indore from 15.09.2009 to 18.09.2009 for which he participated and applied for two advance increments. The contention of the Respondents is that as the applicant was already allowed two advance increments for participating in the similar event earlier in the



year 2007, he has no locus standi to get further advance increments.

Respondents have submitted that taking into consideration the departmental instructions and the guidelines, the case of the applicant as made out in his representation was considered and rejected. Accordingly, they have prayed that the O.A. should be dismissed.

3. By filing rejoinder, relying upon the DOP&T circular annexed under Annexure-A/2 of the O.A., the applicant has reiterated the stand taken in the O.A.

4. We have heard Ld. Counsel for both the sides and have perused the materials on records.

5. Facts of the case are not in dispute. The moot point to be decided in this O.A. is that whether an employee who participates/officiates as a Referee/Umpire in an International event and has been sanctioned two advance increments for this, for the next event of similar type will be eligible to get the another two advance increments. We have gone through the DOP&T circular under Annexure-A/2, operative portion of which reads as under:

“The question of granting special increments in the form of personal pay to Referees/Umpires and Coaches, who excel at the National/International level, has been engaging the attention of the Government. The matter has been examined in consultation with Department of Youth Affairs and Sports and the President is pleased to decide that two advance increments may be granted for each event subject to total five increments in the entire career to Referees/Umpires who excel at the International Level. The increments so granted would be continued to be drawn at the same rate till retirement. The term ‘excellence’ would mean that the Umpire/Referee has been accepted as a

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Referee/Umpire by the International Federation governing the particular sports discipline and has performed the duties in International Competitions recognized by such International Federation. However, no such incentive will be allowed to those Referees/Umpires, who perform such duties at the National Level.

Admittedly, the applicant has participated in two International events on different occasions. The above provision is very much clear and unambiguous. This circular, in any way, does not bar any Referee/Umpire to get second increments even if he participates/officiates in a similar event. Albeit, it has been clearly mentioned in the circular that "the President is pleased to decide that two advance increments may be granted for each event subject to total five increments in the entire career to Referees/Umpires who excel at the International Level". This circular clearly stipulates that for each of the events two advance increments may be granted subject to total five increments. In the counter, not a single word has been uttered with regard to Annexure-A/2.

6. In view of the clear cut instruction/circular, we have no hesitation but to hold that the applicant is entitled to the another two increments for his participation/officiation as an Umpire in the Indian Junior and Cadet Open 2009 (ITTF World Junior Circuit Event). Accordingly, the orders of rejection under Annexure-A/5 and A/7 are hereby quashed directing Respondent No.2 to sanction the two advance increments to the applicant from 2009 till his retirement as per Rules.

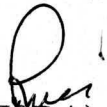
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7. With the aforesaid observation and direction, this O.A. is
allowed to the extent stated above. No costs.


(R.C.MISRA)
Member (Admn.)


(A.K.PATNAIK)
Member (Judicial)

RK

