

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CALCUTTA BENCH

OA 191 of 1997

Present : Hon'ble Mr. S. Biswas, Administrative Member  
Hon'ble Mr. A. Sathath Khan, Judicial Member

Shri Tapan Ghosh, son of Sri Kanai Lal Ghosh, aged about 37 years has been working as Clerk-cum-Typist in the Office of the Regional Director, Sports Authority of India, N.S. Eastern Centre, Salt Lake City, Calcutta.

.....Applicant

- Versus -

- 1) The Director General, Sports Authority of India, J.Nehru Stadium, Lodhi Road Complex, New Delhi.
- 2) The Regional Director, Sports Authority of India, N.S. Eastern Centre, Salt Lake City, Calcutta.

.....Respondents

For the Applicant : Mr. A.K. Banerjee, Counsel

For the Respondents: Mr. S.K. Dutta, Counsel

Date of Order : 28-04-2003

ORDER

MR. A.SATHATH KHAN, JM

We have already pronounced the order on the above matter in the open Court on 28-4-2003 allowing the above O.A. stating that the reasons for our order will be recorded in<sup>a</sup> detailed order. Accordingly, we record the reasons for our order dated 28-4-2003 as follows :

The applicant prayed for a direction to the second respondent to give the applicant one-time-bound-promotion as UDC w.e.f. 2-2-1996 when he completed eight years of service as had been given to other employees of Sports Authority of India.

contd....

2. The case of the applicant is that he joined Sports Authority of India as Peon on 22-7-1983, that he was promoted to LDC on 3-2-1988, that the applicant made representation dated 16-2-1996 claiming promotion as UDC under OTBP Scheme, that the Deputy Director (Admin.) by letter dated 22-2-1996 informed the applicant that there is no scheme to give time bound promotion to the people belonging to <sup>his</sup> Cadre, that the second respondent promoted Shri S.B. Jana, Store Keeper, as UDC by order dated 7-7-1992, Miss Sabita Seth, LDC as UDC by order dated 7-1-1994 and Shri R.R. Chowdhury, Caretaker as UDC by order dated 7-1-1994 as per OTBP Scheme, that <sup>the</sup> action of the second respondent in refusing to give OTBP promotion to the applicant in spite of several representations is discriminatory and <sup>that</sup> the applicant is entitled to get the benefit of OTBP Scheme. Hence, this O.A.

2. The respondents contend that the OTBP Scheme is applicable only to isolated category of posts, that the applicant's post of LDC does not fall within the isolated category of posts, that the persons promoted under OTBP Scheme are covered by the isolated category of posts, that there is no discrimination against the applicant and that the applicant is not entitled to get promotion under OTBP Scheme. Hence, the respondents pray for dismissal of the above O.A.

3. Heard Ld. Counsel for the applicant as well as for the respondents and considered all the pleadings and the relevant records of the case.

4. The short <sup>point</sup> for consideration in this case is whether the applicant is entitled to OTBP promotion as UDC. The Ld. Counsel for the respondents invited our attention to the list of isolated posts in which the post of LDC has not been included. However, the Ld. Counsel for the applicant brought to our notice the orders dated 7-7-1992 and 7-1-1994 of the second respondents granting promotion under OTBP Scheme to Shri S.B. Jana, Miss Sabita Seth and Sri R.R. Chowdhury, though the posts of LDC, Store Keeper and Caretaker are not included in the list

of isolated category of posts. It is pertinent to note that such promotion under OTBP Scheme has been given to Miss. S. Seth who is also holding the post of EDC like the applicant. Hence, such action of the second respondent clearly amounts to discrimination against the applicant. The Ld. Counsel for the respondents also <sup>admitted</sup> ~~submitted~~ that the benefit of OTBP Scheme granted to the above said persons has not been withdrawn by the respondents till date. Under these circumstances, we direct the respondents to grant promotion to the applicant as UDC under OTBP Scheme with effect from the date on which he had completed eight years of service with all consequential benefits, within a period of three months from the date of receipt of this order.

5. In the result, the O.A. is allowed with ~~no~~ order as to costs.

  
Member(J)

28/4/03

  
Member(A)

DKN