

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No.416/2001

Friday this the 9th day of January, 2003

C O R A M

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER
HON'BLE MR.K.V.SACHIDANANDAN, JUDICIAL MEMBER

Vasantha Kumari O.
Personal Assistant
Lakshmibai National College of
Physical Education
Kariavattom P.O.
Trivandrum.
Residing at 'Vasant',
Kariavattom
Trivandrum.

Applicant

(By advocate Mr.K.C.Eldho)

Versus

1. Sports Authority of India
represented by its Director General
Jawaharlal Nehru Stadium
Lodhi Road Complex
New Delhi.
2. The Assistant Director (Legal & Personnel)
Sports Authority of India
Jawaharlal Nehru Stadium
Lodhi Road Complex
New Delhi.
3. The Principal
Lakshmibai National College of Physical Education
Kariavattom P.O.
Trivandrum.
4. Union of India represented by the
Secretary, Ministry of Youth Affairs
& Sports, Shastri Bhavan
New Delhi.
5. Smt. Rema Devi Amma S.
Personal Assistant,
LNCPE, Trivandrum,

Respondents.

(By advocate Mr.Govind K.Bharathan for R1-3)
(By Mr.C.Rajendran, SCGSC for R4)

The application having been heard on 9th January, 2003,
the Tribunal on the same day delivered the following:

ORDER

HON'BLE MR.G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

Applicant, aggrieved by exclusion of her name in A-5 office order dated 20.4.2001 for grant of scale of pay of Rs.1640-2900 with effect from 1.1.86 or from the date of entry, filed this Original Application seeking the following reliefs:

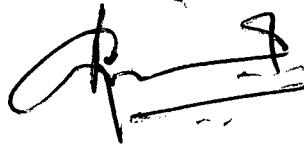
- (a) Call for the records leading to Annexure A5 and quash that part of A5 to the extent which it has not included the name of the applicant and placing the 5th respondent in a higher scale of pay overlooking the seniority of the applicant.
- (b) Direct respondents 1 to 4 to provide the benefit of the revised scale of pay as provided in A5 to the applicant and to pay the consequential benefits in accordance with her seniority.
- (c) Direct the 1st respondent to take a decision on A7 within the time limit to be stipulated by this Tribunal.

2. According to the averments of the applicant in the OA, she joined as a steno typist under the 3rd respondent institution by order dated 14.2.86 and the 5th respondent joined service after her. The applicant was promoted as Senior Stenographer as per order dated 3.7.95 and was placed in the scale of pay of Rs.1400-2600. Even though the next promotion post of the applicant was Personal Assistant, instead of promoting her, the 3rd respondent, overlooking her, promoted the 5th respondent as Personal Assistant. Applicant approached this Tribunal through OA No.801/97. Pursuant to the directions of this Tribunal in OA No.801/97 dated 21.1.2001 (Annexure A2), she was placed as Personal Assistant as per A-3 order dated 14.3.2000. In Annexure A4 seniority list, the applicant was shown as senior to 5th respondent. First respondent, the Sports Authority of India by A-5 office order dated 20.4.2001, ordered that the pay of all the Personal Assistants who worked in the scale of pay of Rs.1400-2600 had been revised as Rs.1640-2900 with effect from the date of their entry in the grade of Rs.1400-2600 or as on



1.1.86 whichever was later. Applicant claimed that she was entitled to the revised scale of pay with effect from 3.7.95, the date on which she entered the grade of Rs.1400-2600. Finding that her name was not included in A-5 and the 5th respondent's name - her junior - found a place therein, she submitted A-7 representation dated 1.5.2001 through proper channel. Not getting any response to A7 representation, the applicant filed this Original Application seeking the above reliefs. According to the applicant, non-inclusion of her name in A5 was illegal, arbitrary and violative of the fundamental rights guaranteed under the Constitution of India. It was also alleged that the 3rd respondent, knowingly and wilfully kept aside her name while forwarding the list of Personal Assistants and instead placed the 5th respondent who was junior to her.

3. Respondent No.3 filed reply statement on behalf of respondents 1 to 3 resisting the claim of the applicant. He denied that he had taken a hostile attitude to the applicant. According to him, 30 Personal Assistants/Senior Personal Assistants of the Sports Authority of India filed an Original Petition before the Hon'ble High Court of Delhi, impleading the Ministry of Youth Affairs and Sports, Government of India, praying that they may be placed in the pay scale of Rs.1640-2900 with effect from 1.1.86 as their counterparts in the Government of India were placed in the same pay scale. The said OP was allowed by the Delhi High Court and the Government of India was directed to revise the pay scale of the petitioners in that OP to Rs.1640-2900 with effect from 1.1.86 or from the date of their entry in the pay scale of Rs.1400-2600. The petitioners therein filed an application for contempt before the High Court of Delhi



and the Hon'ble High Court directed the respondents to implement the order without delay and file an affidavit to that effect before the High Court. The Government of India, Ministry of Youth Affairs and Sports then directed the Sports Authority of India to implement the orders of the Hon'ble High Court of Delhi in respect of the 30 petitioners therein. Under these circumstances, the Sports Authority of India issued A-5 order and A-6 order was consequential order to A-5 and A-7 merely cited A-5 & A6 as grounds for grant of the same reliefs to the applicant as granted to those who had approached the High Court of Delhi. It was further submitted that the matter of grant of revised pay scale to Personal Assistants other than the petitioners who filed the OP before the High Court of Delhi had been referred to the Government of India for consideration and the same was under consideration of the Government.

4. Applicant filed rejoinder and respondents 1 to 3 filed reply statement.

5. Heard the learned counsel for the parties. Learned counsel for the applicant submitted that it was due to the non-forwarding of the name of the applicant that her name had not been included in A-5. It was also submitted that the applicant's representation addressed to the Director General, Sports Authority of India had not been considered. Learned counsel for respondents 1 to 3 reiterated the points made in the reply statement and further submitted that the matter of grant of pay scale of Rs.1640-2900 to all the Personal Assistants was under consideration of the Government of India. Learned counsel for the 4th respondent submitted that the applicant's representation would be considered by the Government of India.

A handwritten signature in black ink, appearing to read "A.P.S." followed by a stylized surname.

6. We have given careful consideration to the submissions made by the learned counsel for the parties and the rival pleadings and have also perused the documents brought on record.

7. The main ground on which the applicant is seeking the reliefs through this Original Application is on the basis of Annexure A-5. A-5 reads as under:

"SPORTS AUTHORITY OF INDIA

J.N.Stadium, Lodi Road
Complex, New Delhi.

No.13(133)/97-Admn.(Legal Cell)

Dated 20.4.2001.

OFFICE ORDER NO.44/2001

In pursuance of the Govt. of India, Ministry of Youth Affairs & Sports letter No.18-1/97-Desk (SAI) dated 19.4.2001, the then pay scale of the following Personal Assistants is revised from Rs.1400-2600 to Rs.1640-2900 w.e.f. the date of their entry in the grade of Rs.1400-2600 of 1.1.86 whichever is later.

The orders regarding the increments and the pay fixation as on date and the payment of arrears, if any, are being issued separately.

<u>S1.No.</u>	<u>Name</u>	<u>Date of effect</u>
1.	Shri N.S.Ravi	1.8.90
2.	Ms.B.N.Manjulatha	1.1.91
3.	Shri B.S.Ramamani	31.8.91
4.	Shri O.P.Mishra	3.8.92
5.	Shri Rajiv Thukral	18.11.93
6.	Ms.Madhu Bala	-do-
7.	Ms.Seema Goel	-do-
8.	Ms.Kanta Suneja	-do-
9.	Shri Girdhari Lal	-do-
10.	Ms.Swaran Sharma	-do-
11.	Ms.Usha	-do-
12.	Shri Pradeep Kumar	-do-
13.	Shri Sanjay Kumar	2.3.94
14.	Ms.Sunita Soni	-do-
15.	Shri Amarpai Mann	-do-
16.	Ms.Sunita Aggarwal	-do-
17.	Kawal Jeet Kaur	12.9.94
18.	Ms.Nirmal Sharma	-do-
19.	Shri Samuel Masili	-do-
20.	Shri J.L.Verma	2.1.95
21.	Ms.L.Mantombal Devi	22.2.95
22.	Ms.Rema Devi Amma S	3.7.95
23.	Ms.Jaswinder Kaur	18.5.95
24.	Shri Raj Kumar	-do-



25.	Shri Ravi Kalra	-do-
26.	Ms.Tara	-do-
27.	Ms.Manchala	-do-
28.	Ms.Shobh Lata Sharma	12.11.87
29.	Shri Suresh Bisht	-do-
30.	Ms.Aruna Gokhlani	-do-

Sd/-
(R.K.Saxena)
Asst. Director (Legal
& Pers)"

8. On a careful reading of the above office order dated 20.4.2001, we find that the grant of pay scale of Rs.1640-2900 is specific to the Personal Assistants listed in the said office order and the said order had been issued pursuant to the Government of India, Ministry of Youth Affairs and Sports letter No.18-1/97-Desk (SAI) dated 19.4.2001. From the averments made by respondents 1 to 3 it is also seen this was issued when the petitioners in OP before the High Court of Delhi had filed a contempt petition when the respondents did not implement the directions of the Government of India in the above mentioned OP. From a reading of A-5 and the above averments, we cannot come to the conclusion that the Government of India had decided to revise the scale of pay of Personal Assistants in general with effect from 1.1.86 to Rs.1640-2900. It had also been averred by them that in the petitioners' case the grant of the pay scale was specific to them and the non-petitioners were still continuing in the pay scale of Rs.1400-2600. Applicant in the rejoinder filed has questioned the veracity of this statement. In our view what is basically required in this case is to see whether the Government of India by a general order had revised the pay scale of Personal Assistants in the Sports Authority of India to a grade of Rs.1640-2900. If that be so, the applicant would also be entitled for the same. As this is a factual aspect and in any case respondents 1 to 3 cannot act independent of the instructions and directives of the 4th respondent and A-7



representation has already been taken up by respondents 1-3 with the 4th respondent, we are of the considered view that this OA can be disposed with a direction to the 4th respondent to consider the case of the applicant regarding her claim for the scale of pay of Rs.1640-2900 within a reasonable time and pass appropriate orders.

9. Accordingly we direct the 4th respondent - The Secretary, Ministry of Youth Affairs & Sports, New Delhi to consider A-7 representation of the applicant along with a supplemental representation to be submitted by her through proper channel within a period of 15 days from today and pass appropriate orders thereon within a period of three months from the date of receipt of the supplemental representation. If as a result of such consideration the 4th respondent comes to the conclusion that the applicant is entitled for the scale of Rs.1640-2900 with effect from 3.7.95, consequential monetary benefits shall be paid to her within a period of two months thereafter.

10. The OA stands disposed of as above with no order as to costs.

Dated 9th January, 2003.



K.V. SACHIDANANDAN
JUDICIAL MEMBER



G.V. RAMAKRISHNAN
ADMINISTRATIVE MEMBER

aa.

A P P E N D I X

Applicant's Annexures:

1. A-1: True copy of the order dated 3.7.95 vide Office Order No.377/95 issued by the 3rd respondent.
2. A-2: True copy of the judgement in O.A.No.801/2000 dated 21.2.2000.
3. A-3: True copy of the order NO.922/2000 dated 14.3.2000 issued by the 3rd respondent.
4. A-4: True copy of the seniority list issued by the 3rd respondent.
5. A-5: True copy of Office Order No.44/2001 dated 20.4.2001 issued by the 2nd respondent.
6. A-6: True copy of the Office Order No.45/2001 issued by the 1st respondent dated 23.4.2001.
7. A-7: True copy of the representation dated 1.5.2001 submitted by the applicant.

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