

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. 32/97

Wednesday, this the 31st day of May, 2000.

CORAM:

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE MR G.RAMAKRISHNAN, ADMINISTRATIVE MEMBER

V.Muraleedharan,
S/o Vasu,
Lower Division Clerk(Library),
Sports Authority of India,
Lakshmibai National College of
Physical Education,
Trivandrum-81.

- Applicant

By Advocate M.R.Rajendran Nair

Vs

1. The Director General,
Sports Authority of India,
Jawaharlal Nehru Stadium,
Lodhi Road Complex,
New Delhi.
2. The Principal,
Lakshmibai National College of
Physical Education,
Sports Authority of India,
Trivandrum-81.
3. Union of India represented
by Secretary to Government of India,
Ministry of Sports,
New Delhi.

- Respondents

By Advocate Mr Govindh K Bharathan, SCGSC

The application having been heard on 31.5.2000, the Tribunal on the same day delivered the following:

..2..

O R D E R

HON'BLE MR A.V.HARIDASAN, VICE CHAIRMAN

The applicant, working as Lower Division Clerk(Library) under the Sports Authority of India, Lakshmibai National College of Physical Education, Trivandrum, is aggrieved that the respondents are not giving effect to the directions contained in the Government of India order dated 24.7.90 by classifying the library as Category-I and giving the applicant the pay scale of Rs.1400-2600 upgrading his post as LDC(Library) as Library and Information Assistant. Projecting the same grievance, the applicant had earlier filed O.A.560/96 which was disposed of with a direction that the representation of the applicant in that regard should be considered and a speaking order given. Pursuant to the above direction, the first respondent has issued the impugned order A-8 dated 4.11.96 turning down the request of the applicant. Aggrieved the applicant has filed this application. It is alleged in the application that the applicant satisfies the qualification prescribed for the post of Library and Information Assistant, that in terms of A-3 the first respondent is bound to upgrade the post and appoint the applicant to the post of Library and Information Assistant in the scale of Rs.1400-2600 and that the rejection of the applicant's legitimate request is unreasonable, arbitrary and irrational. With the above allegations, the applicant seeks a declaration that the post of LDC(Library) in the Lakshmibhai National College of Physical Education is liable to be upgraded as Library and Information Assistant in the scale of pay of Rs.1400-2600 and the applicant

..3..

✓

is entitled to be considered for appointment in the upgraded post in terms of A-3 order and for a direction to the respondents to take appropriate action in terms of A-3 to upgrade the post and consider the applicant for appointment to that post.

2. The respondents 1 and 2 in their reply statement have contended that the applicant had applied, was selected and was appointed to the post of LDC(Library) only, that there is no justification for creation of a post of Library and Information Assistant in the Library under the Sports Authority of India where the infrastructure and the workload does not require such an upgradation and that therefore, the applicant is not entitled to the relief sought.

3. The additional respondent No.3, the Union of India has filed a detailed reply statement in which it has been contended that the Sports Authority of India is an autonomous organisation which has got its own memorandum of association and bye laws, that the orders regarding creation of post etc. relating to the Government of India would not apply to the employees of the Sports Authority of India unless it is specifically mentioned, and that as the Sports Authority of India has not taken a decision to classify the library and upgrade the post, the applicant is not entitled to the reliefs as claimed.

4. The applicant has filed a rejoinder in which the applicant has contended that in view of Rule 44 of Sports Authority of India (Service) Bye laws and conditions of service Regulations, 1992 which provide that in respect of matters specifically provided for in the bye laws, the employees of Sports Authority of India would be governed by the Fundamental Rules, Supplementary Rules and instructions issued by the Government and therefore, there is no merit in the contention of the respondents that A-3 would not apply to the Sports Authority of India.

5. We have with meticulous care gone through the pleadings and all the materials placed on record and have heard the learned counsel on either side. It is an undisputed case that the Sports Authority of India is an autonomous organisation registered as Society under the Registration of Societies Act, 1860. The orders in regard to pay scales and other service conditions applicable to the officials under the Government of India unless adopted by the Society would not be applicable to employees of the Sports Authority of India, as provided for in the Bye laws. The learned counsel for the applicant has not been able to bring to our notice any order of the Sports Authority of India by which the directions contained in A-3 has been made applicable to the employees of the Sports Authority of India. Learned counsel for the applicant placed reliance on Rule 44 of the Sports Authority of India (Service) Bye laws and conditions of service Regulations 1992 which reads as follows:

..5..

"In respect of matters not provided for in these bye laws, regarding General condition of service, pay, allowance including travelling and daily allowance, transfer allowance, leave travel concession, leave salary, advances, joining time, rules and orders as contained in Fundamental and Supplementary Rules and other orders and decisions issued by the Government from time to time as applicable to Central Government servants shall apply mutatis mutandis to the employees of the Society."

This rule does not in any way advance the case of the applicant because upgradation and creation of posts are not mentioned in this Rule and are not a service condition. The applicant further placed reliance on Government of India Ministry of Finance O.M.No.F.7(34)/E.III-A/97 dated 2.12.97(A-10) in support of his contention that the recommendations of the Vth Central Pay Commission as accepted by the Government of India is applicable to the employees of the Sports Authority of India. A reading of the latter part of the first paragraph of the letter would clearly indicate that only the pay scales are made applicable. It is worthwhile to extract the relevant part of this paragraph:

"..It may, however, be clarified that the revised scales of pay as incorporated in Part A of the First Schedule to the Rules ibid alone may be adopted. It

may further be added that the revised scales would be admissible to those employees who opt for these in accordance with the extant Rules. Likewise, deductions on account of Provident Fund or Contributory Provident Fund, as the case may be, will have to be made on the basis of the revised pay with effect from the date the employee opts to elect the revised pay scales."

6. In the light of what is stated above, as the Sports Authority of India has not adopted the orders of the Government of India at A-3 and as according to the Sports Authority of India, there is no justification for creation of a post of Library and Information Assistant or upgradation of the post of LDC(Library) in the Lakshmibai National College of Physical Education and as the applicant has been appointed as an LDC(Library) pursuant to his application in response to advertisement for that post, we do not find any basis for the claim of the applicant for the reliefs as sought in this application. The application fails and the same is dismissed. No costs.

Dated, the 31st of May, 2000.



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

trs/1600

LIST OF ANNEXURES REFERRED TO IN THE ORDER:

1. A-3: True copy of the order No.GIMF. OM No.19(1)/IC/86 dated 24.7.90 issued by Government of India.
2. A-10: True copy of the Government Order GI MF, OM No.F.7(34)/E.111-A/97 dated 2.12.97.