

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH

O.A.NO.: 692 OF 2005

[Patna, this Friday, the 2nd Day of December, 2011]

C O R A M

HON'BLE MR. AKHIL KUMAR JAIN, MEMBER [ADMN.]

HON'BLE MS. BIDISHA BANERJEE, MEMBER [JUDL.]

1. All India Postal Sports Inspectors and Coaches Welfare Association through its President Ram Vilas Pandey, Sports Inspector in the Office of Chief Postmaster General, Bihar Circle, Patna [Now retired from Active Service].

2. Narsingh Narain Singh, son of Late Abhimanyu Singh, presently working as Sports Coach in the Office of Chief Postmaster General, Bihar Circle, Patna and resident of Quarter No. 113, Type-II P&T Colony, Kidwaipuri, Patna works as Treasurer of the Association.

.....APPLICANTS.By Advocate :- Mr. M.P.Dixit.

Mr. S.K.Dixit.

Vs.

1. The Union of India through the Secretary, Department of Posts, Ministry of I.T [Information Technology] & Communication, Govt. of India, Dak Bhavan, Sansad Marg, New Delhi-110 001.

2. Director General, Department of Posts, Dak Bhavan, Sansad Marg, New Delhi-cum-Chairman of All India Postal Sports Board.

3. Chief Postmaster General, Bihar Circle, Meghdoot Bhavan, Patna-cum-Chairman, Bihar Circle, Postal Sports Board.

4. Director Welfare and Sports, Ministry of Information Technology and Department of Posts, Dak Bhavan, New Delhi-110 001.

5. Deputy Director General [Establishment], Government of India, Ministry of Information and Technology, Department of Posts, P.C.Cell.

.....RESPONDENTS.By Advocate :- Mr.S.K.Tiwary,

Addl. Standing Counsel.

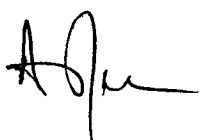
O R D E R

Akhil Kumar Jain, Member [Admn.] :- This application has been filed by All India Postal Sports Inspectors and Coaches Welfare Association through its President, Shri Ram Bilas Pandey [now retired from service] and another seeking following relief :-

"8[A] That your lordships may please to quash and set aside the order dated 13.07.2005 as contained in Annexure-A/1.

[B] To revise the pay scale of Sports Inspectors and Coaches from Rs.4500-7000 to 5500-9000 w.e.f. 01.01.1996 at par with other Inspectors of Post Office, Railway Mail Services.

[C] To give the pay scale of Rs.6500-200-10500 to the Sports



Inspectors and Sports Coaches who have completed more than 12 years of service.

[D] Direct the respondents to maintain the regular cadre of Sports Coaches and Inspectors and quash the notification dated 29.09.2011 Annexure-21.

[E] Direct the respondents to provide promotional avenues to the Sports Inspectors and Coaches of the Department who has completed at least 12 years of service in the cadre.

[F] Direct the respondents not to crush the cadre which is fighting for pay parity."

2. The facts of the case in brief are that in 1983 a decision was taken by the Department of Posts to sanction 16 posts of Sports Inspectors and fill up the said posts on purely temporary and adhoc basis pending finalization of recruitment rules, from amongst eligible volunteers in the Department. The minimum qualifications were also indicated in the DG P&T letter no. 8-1/83-SPB-II, dated 11.08.1983, whereby applications from suitable candidates supported by documents were invited by 31.08.1983. Subsequently, on the basis of selection by a constituted Selection Committee, 15 Sports Inspectors were selected vide letter dated 03.07.1984, one for each region, and were later appointed on adhoc basis in the scale of pay of Rs.425-700/-. In the said letter, the name of Shri Ram Bilas Pandey figured for Bihar Region. Since the appointments were made on adhoc basis, an OA No.1 of 1989 was filed and in pursuance of order dated 24.09.1990, passed in the said OA, all Sports Inspectors and Sports Coaches who were holding posts on 21.12.1989 after being selected by duly constituted DPC were made permanent on the posts. The pay scale for their posts, i.e., Rs.425-700 [unrevised] was equivalent to pay scale given to IPOs/IRMs. After revision of scale on the basis of recommendation of 4th CPC also this parity was maintained. The 4th CPC recommended upgradation of scale of IPO/IRM, on condition of introduction of direct recruitment with 'Graduate' qualification and merger of IPO & IRM. This, however, was not accepted by the Govt. at that time as the staff side did not agree to the same. The 5th CPC vide para 62.9 again recommended the introduction of element of direct recruitment to the extent of 33% with graduation qualification and selection through Staff Selection Board in IPO/IRM cadre. The merger of IPO/IRM Cadres and upgraded pay scale of

Rs.5500-9000 was also recommended by the 5th CPC. These recommendations were accepted by the Govt. and IPOs/IRMs were placed in the upgraded scale of Rs.5500-9000. The 5th CPC, in para 69.22 also recommended the same benefit to Inspectors of Mail Motor Service [IMM] and the said recommendation was also accepted by the Government. However, the Sports Inspectors and Sports Coaches were not given the similar benefit. The applicants filed OA No.829 of 1998 seeking revision of pay of Sports Inspectors/Sports Coaches from Rs.4500-7000 to Rs.5500-9000 w.e.f. 01.01.1986 at par with other IPOs/IRMs/IMMs and of Rs.6500-10500 to those who completed more than ten years of service. They also prayed for placing them in executive scale of GCS/PSS/Group 'B' Cadre in the scale of Rs.7500-12500 after putting 10/12 years of service. The main plea of the applicants in that OA was that of discrimination which is violative of Articles 14 & 16 of the Constitution of India. The order passed by the respondents on their representation rejecting their prayer was also under challenge. The Tribunal, after considering the submissions made by the parties quashed and set-aside the order passed by the respondents as contained in Annexure-A/1 of that OA being perfunctory and cryptic, and referred the matter back to the respondents, i.e., Secretary, Department of Posts to re-examine the entire case and pass appropriate speaking and reasoned order. Accordingly, the respondents have passed the impugned order dated 13.07.2005 as contained in Annexure-A/1 again rejecting the case of the applicants. Hence, the present OA.

3. At the outset, we would like to mention that in OA 829 of 1996 the applicants claimed the scale of Rs.5500-9000 w.e.f. 01.01.1986 as mentioned in the order passed in that OA. The applicants have stated in para 4.43 of this OA that the same is erroneous and the claim of revised pay scale is w.e.f. 01.01.1996. We also note that in the year 1983, against 16 sanctioned posts of Sports Inspectors, the Committee recommended name of 15 Sports Inspectors including the name of Shri Ram Bilas Pandey who is representing applicant no.1. The name of applicant no.2 was not there in the said list as contained in Annexure-A/7. Apparently, post of Sports Coach was sanctioned separately and the applicant no.2 was appointed against that post. It is also clear that Sports Inspectors and



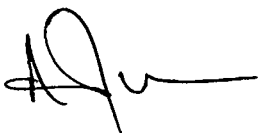
Sports Coaches are assorted posts in equivalent scale and issue involved for both is the same, namely, parity with IPO/IRM/IMM after revision of pay scale as per 5th CPC recommendations as also granting benefit of time bound promotions.

4. Heard the learned counsel for both the sides.

5. On perusal of pleadings we find that most of the points raised by the applicants are similar as raised in OA 829 of 1998. However, the main grounds on which they have sought the relief and which are important in the context of the impugned order dated 13.07.2005 are as follows :-

[i] The posts of IPO/IRM/IMM were earlier only promotional posts and there was no binding educational qualification required. Only five years experience as Postal Assistant was prescribed. Again there was no additional qualification required for IPO/IRM whereas, knowledge of traffic rules and motor vehicle rules was required for IMM. The exams for these posts were State level exams. On the other hand, minimum educational qualification for Sports Inspectors/Sports Coaches was High School with minimum five years service as Postal Assistant. The additional qualification for Sports Inspectors included participation in All India P&T competition, technical knowledge of sports, certificate from National Sports and knowledge of Sports organisation. The additional qualification for Sports Coaches, in addition to above, also included NIS Diploma from NIS Patiala. Thus, they also had technical qualification in their field. The IMMs have been given the benefit on the ground that their duties are technical in nature. On the same grounds, the Sports Inspectors/Sports Coaches should also have been given the scale of Rs. 5500-9000 w.e.f. 01.01.1996 at par with other Inspectors. The 5th CPC also recommended maintaining relativities between Inspectors of all the fields of activities. The only pay scale of Rs.1640-2900 was recommended for Inspectors in Deptt. of Posts, e.g. IRMs, IMMs,etc. together with Inspectors in all fields [Para 3 of rejoinder].

[ii] In addition to departmental Sports activities, they are required to



maintain relationship with other Sport bodies and coordinate activities with them. Every year a large number of tournaments are held at Regional and national level in the department concerning various disciplines which require proper organizing with adequate technical knowledge. Thus, the job performed by the Sports Inspectors/Sports Coaches in no way can be said to be less important than those of other Inspectors.

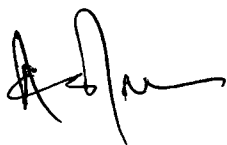
[iii] The case of the applicants is for providing promotional avenues as given in case of Postal Inspectors and RMS & MMS Inspectors and it should not be confused with Time Bound Promotion only. It is for all benefits including pay scales and promotional avenues as given to other Inspector level officers.

[iv] In para 5 of the impugned order it has been stated that the applicants are not graduate whereas the fact is that all of them are graduates appointed before 4th CPC.

[v] In para 6 of the impugned order, one of the grounds for rejection of the case is introduction of 33% direct recruitment to the posts of IPO/IPM, whereas in case of Sports Inspectors/Sports Coaches all the posts were filled up as direct recruitment i.e., 100% direct recruitment. Again, in para 7 of the impugned order it is stated that there is no enhancement of their educational qualification whereas exposure of a person outside society gives him the expanded knowledge and development of intellectual and practical capabilities. [Para 4.36 & 4.37 of OA].

[vi] The Postal Assistants and IPOs/IRMs do routine work of the department whereas the Sports Inspectors & Coaches impart training to personnel of department and therefore their services can not be undermined.

[vii] In para 9 of the impugned order some qualifications for the posts of Sports Inspectors/Coaches as per new recruitment rules of 2007 have been mentioned but the case of applicant can not be compared with new recruitment rules as they were appointed much earlier. Again the



certificates as contained in Annexures-A/10 series & A/11 series in respect of applicants no.1 & 2 show that the objection on the ground of qualification in the new recruitment rules is also not tenable.

[viii] The Sports Inspectors/Coaches in Department of Posts are direct recruits and possess same qualifications as Coaches appointed in Sports & Youth Affairs Department, i.e., NIS Diploma and participation in National & International Sports. Hence, the ground for rejection in para 10 of the impugned order is not tenable.

[ix] The claim of applicants for 1st Time Bound Promotion has been erroneously rejected in para 12. Being appointees of 1984 & 1983, they were entitled for first time bound promotion in 1996 and 1995 respectively.

[x] Had the applicants remained in their earlier cadre of Time Scale/LDC, they would have got the benefit of higher pay scale of Rs.5500-9000 in first ACP and Rs.6500-10500 in Second ACP which their juniors in the cadre of LDC have been granted. [Para 7 of rejoinder].

[xi] The denial of benefit of upgraded scale of Rs.5500-9000 at par with other Inspector amounts to discrimination against the applicants which is violative of Articles 14 & 16 of the Constitution.

[xii] The department has sent a letter dated 13.09.2005 [Annexure-A/22] to all regions for consideration of enhancement of pay scale of Sports Inspectors who will be recruited in future and who are holding the posts having higher qualification. The respondents have stated in para 38 of the OA that the Government is examining the matter in view of the observations of this Tribunal in its judgment dated 03.03.2005 in OA 829 of 1998. If that be the case, how the impugned order dated 13.07.2005 has been passed. This clearly shows that impugned order is not only unjust and without any authority but it has been passed only as a matter of formality. The respondents have not taken into consideration the points raised by the applicants. Moreover, they have also not taken any

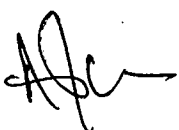


cognizance of the observations of this Tribunal in para 7 of the order dated 03.03.2005 which read as follows :-

"7. We have heard both the parties at length and carefully peruse their averments. The case of the applicants is that they should be given parity with other Inspectors in terms of recommendations of the 5th Pay Commission. The respondents have, on the other hand, submitted that Sports Inspectors and Coaches have to be treated on a different footing and their mode of recruitment and their responsibilities are different from those of Sports Inspectors and Coaches. A short question, however, is that the Sports Inspectors and Coaches are also performing an useful national duty and it would be appropriate that respondents consider their case afresh and not allow them to languish. We are conscious of the fact that it may not be appropriate for us to issue direction to respondents to grant a particular pay scale to the applicants as it is not for Courts to determine the pay scales. However, we cannot uphold the order passed by the respondents at Annexure-1 which is perfunctory and cryptic. The applicants have succeeded in persuading us to refer the matter back to the respondents, i.e., Secretary, Department of Posts, Ministry of Communication, Govt. of India to re-examine their entire case and pass appropriate speaking and reasoned order within a period of six months from the date of issue/production of order. Needless to say that we expect respondent no.1 to take a sympathetic view in the matter as the applicants, who are custodians of an important sector of sports in which the country is lagging behind very much and consider the matter in its true spirit. In the event Annexure-1 is quashed and set-aside.

The applicants have, therefore, pleaded for allowing the O.A.


6. The respondents have submitted that in compliance with the orders passed in OA 829 of 1998 a detailed, and reasoned order has been passed by the respondents with the approval of Secretary, Department of Posts which covers almost all the issues raised by the applicants. Placing reliance on the order of Hon'ble Supreme Court of India in the case of **Union of India & Ors Vs. P.V.Hariharan**, the respondents have submitted that in the said judgment the Hon'ble Supreme Court held that fixation of pay is not the function of the Tribunal and that it is the function of the Government which normally acts on the recommendation of Pay Commission. The respondents have further added that in the judgment in the case of **State of West Bengal & Ors Vs. H.N.Bhowal & Ors [(1994) ATC 624]**, the Hon'ble Supreme Court held that the principle of equal pay for equal work can be enforced only after the person claiming satisfy the court that not only the nature of work is identical but in all respects they belong to same class and there is no apparent reason to treat equals as unequals. Till the claimants



satisfy on material produced that they have not been treated as equals within the parameters of Article 14, the Court should be reluctant to issue any writ or direction to treat them as equal.

7. The respondents have further stated that officials were posted as Sports Inspectors/Sports Coaches on the basis of their option for the same and the fact of limited scope of promotion and other opportunities in the service career was within their knowledge. Therefore, there should be no grievance on this issue. Besides, the ACP Scheme of the Government was intended to meet the kind of situation as pointed out by the applicants. Both Shri Ram Bilas Pandey and Shri N.N.Singh were placed in higher pay scale under ACP vide CPMG, Bihar Circle memo dated 21.02.2001.

8. The further contention of the respondents is that Sports Inspectors/Sports Coaches can not be compared with Inspectors of Posts in the matter of their qualification, duties, work load, etc. 33% Inspector of Posts are recruited directly with graduation qualification and remaining 66.7% are promoted from Postal Assistant Cadre through a Departmental Limited Competitive Examination comprising 5 papers. They are recruiting and disciplinary authority of Group 'D' and GDS working under their control. They are also inspecting authority of offices held by the officials in the scale of Rs.5000-8000. Inspector of Posts can also be posted as Instructors in Training Centres. They hold lower level managerial post. On the other hand Sports Inspectors are supposed to perform the duties relating to sports only and they are holding only 4 to 5 events in a year. Thus, their nature of duties are not comparable with those of Inspectors of Posts and, therefore, no parallel can be drawn between the two in respect of pay scale. Moreover, the recruitment rules of Sports Inspectors/Coaches have since been revised and the posts would now be filled up by transfer on deputation from amongst departmental candidates in the pay scale of Rs.4000-6000 with three years of service or Rs.3050-4590 with five years of service and 10+2 qualification with upper age limit of 40 years as well as with some additional qualification. In the Department of Youth Affairs and Sports, the pay scale of Coaches is Rs.5500-9000. They are direct recruits and



their qualification is Diploma in Coaching from SAI/NIS Patiala or participation in Olympics/Asian Games/World Championship. The respondents have added that the contention of applicants that they also possess graduation and other qualifications can not be a basis to decide the pay scale as the same has to be decided as per qualifications on which basis they were appointed. In view of their submissions, the respondents have pleaded for dismissal of the OA.

9. In their rejoinder, the applicants have contested averments made in the written statement filed by the respondents and has reiterated the points made in the OA.

10. We have carefully perused the records and considered the submissions made by the parties.

11. We note that the applicants have interalia prayed for direction upon the respondents to maintain regular cadre of Sports Coaches and Inspectors and quash notification dated 29.09.2011. Vide the said notification, new Recruitment Rules for the posts of Sports Coaches and Sports Inspectors have been notified. In our view, it is purely an administrative matter to decide as to what organizational structure would be provided to carry the jobs or activities and how the same shall be manned. As such, we can not interfere with the decision of the department to revise the recruitment rules of the posts of Sports Coaches and Sports Inspectors. In any case, notification of new rules is not going to affect the service conditions of the Sports Inspectors/Sports Coaches recruited prior to the promulgation of the new rules.

12. We further note that prior to 5th CPC, the pay scales of Sports Inspectors/Sports Coaches were same as those of IPO/IRM. Obviously, this was done keeping in view the qualifications, nature of duties, work load, etc. which have been elaborated by the applicants in their pleadings. However, based on recommendation of 5th CPC, the cadres of IPO & IRMs have been merged and a component of direct recruitment has been introduced in filling up the posts of Inspectors of Posts with higher educational qualification of graduation. The remaining posts are also filled up through Limited Departmental Competitive Examination. There is no such change in qualification of Sports Inspectors/Sports



Coaches. The higher scale was provided to the IPOs/IRMs on the ground of change in the qualifications for direct recruitment which is not applicable in case of applicants. It is also noted that the applicants have stated that they were also direct appointees. We agree with the respondents that the facts that present incumbents in the posts of Sports Inspectors/Sports Coaches are all graduates can not be a basis to decide the pay scale and the same will depend on the qualification prescribed for their recruitment. Thus, so far as change in parity with IPO/IRM based on 5th CPC recommendation is concerned, we are of the view that applicants have no case on this ground.


13. Another point raised by the applicants is with reference to granting parity to IMMs with IPOs in view of recommendation of 5th CPC in para 66.22. It is the contention of the applicants that the 5th CPC has recommended maintaining relativities amongst all Inspectors. They have also contended that keeping that in view as well as the technical qualification of IMMs, upgraded pay scale of IMM at par with IPO/IRM was recommended which was accepted by the Government. Their claim is that the same grounds apply to Sports Inspectors/Sports Coaches also who should also be given the same benefit of parity of scale with IPO/IRM as per 5th CPC recommendations. The relevant extracts of the said recommendation in para 62.22 are as follows :-

“62.22 Inspectors of Mail Motor Service have sought parity with Inspectors of Post Offices and Railway Mail Service in terms of pay scales and career. Like the Inspectors of Post Offices and RMS [IPOs and IRMs]. Inspectors of MMS [IMM] also enter in the scale of pay of Rs.1400-2300 through a departmental competitive examination. IMM have argued that the IPOs and IRMs have avenues for promotion to the senior Group A, positions for higher than they [IMM] can reach. The CAT, Madras, in OA No. 1748/92, directed the Department of Posts to conduct a review of the cadre of IMM for providing adequate promotion avenues. Our recommendations on Assured Career Progression squarely meet the demands of IMM. The Department is not in favour of merger of the three grades as the Inspectorial cadres in the operative fields are basically different in terms of duties, nature of work and orientation. The duties of IMM are technical in nature compared to the administrative supervision over operations in the case of IPOs and IRMs. With a view to maintaining relativities between Inspectors of all the fields of activity and also in view of the existence of time bound promotions of operatives, whose work is overseen by the Inspectors, taking them to the scale of pay of Rs.1600-2660, we recommend that Inspectors of MMS may also be placed in the scale of pay of Rs.1640-2900 at entry.”

On careful perusal of said para, we note that the recommendation

therein is specific to the cadre of IMMs. Their mode of recruitment was also through a departmental competitive examination. The observation regarding maintaining relativities between Inspectors of all fields has also been made in that context. There seems to be no specific recommendation by the 5th CPC regarding Sports Inspectors/Sports Coaches, nor any general recommendation about upgradation of scale of all the Inspectors in Department of Posts. Pay Commission being an expert body makes recommendation taking all aspect into account. As to the question of technical knowledge, this can be one aspect but the scales are decided taking in view all the aspects like nature of duties, work load, etc. Again the technical knowledge will also have to be viewed in the context of requirement of work of the Department and its importance therefor. In our view the administrative authorities or expert bodies like Pay Commission are best judge in this regard. Thus, on the ground of technical knowledge or any general observation made in the context of recommendation for IMMs without any specific recommendation to that effect for other Inspectors extending same benefit as recommended by the 5th CPC for IMMs and accepted by the Government is not considered as a tenable argument.

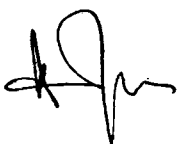
14. The applicants have also drawn comparison with Coaches in the Department of Youth Services and Sports on the ground of same qualification, i.e., Diploma from NIS. From the qualification indicated by the applicants themselves regarding Sports Inspectors/Coaches in Annexure-A/15, we note that NIS Diploma has been mentioned only in respect of Sports Coach and not for Sports Inspectors. Again, their duties as indicated by the applicants in Annexure-A/12 are primarily related to organising P&T Sports competition at Divisional/Regional/All India level. Thus, their role is basically related to such activities in Department whereas, the role of Coaches of Youth Service and Sport Deptt. is not confined to one Department but is to promote sports activities at all levels in general. Thus, in our opinion the duties of the Coaches in the Deptt. of Youth Service & Sports are not comparable with those of Sports Inspectors/Coaches in Department of Posts and as such there is no case for parity of scales on this ground.



15. The applicants have also emphasised importance of their job viz-a-vis other Inspectors in the Department. They have also drawn attention to observation of this Tribunal in para 7 of the order passed in OA 829 of 1998. The Tribunal in its orders has only made some observation and expressed expectation of a sympathetic consideration but the same can not be treated as directions of the Tribunal. In our opinion, the importance of a job and depending on the same, decision of pay scale attached to the post is to be viewed in the context of organisational requirement and policy. The departmental authorities are the best judge of the same.

16. Another issue raised by the applicants is lack of promotional avenues. It is noted that initially the applicants were appointed on adhoc and purely temporary basis. They filed an OA and then they were made permanent. We agree with the respondents that the applicants were aware of their service conditions. The Tribunal can certainly not give direction to the respondents to sanction higher grade posts or provide promotional avenues in other streams or so. We also agree with the respondents that the ACP Scheme has been promulgated to meet such type of situations. The applicants have also raised the issue of grant of TBOP. It is noted that TBOP/BCR are not applicable to the posts of Sports Inspectors/Sports Coaches. The respondents have mentioned that Shri Pandey was given TBOP promotion before his joining the post of Sports Inspector and some others were asked option to go back to original cadre to avail the same but they chose to continue. The argument of the applicant that had they continued in their earlier Cadre, they would have got higher scales like their juniors by now is not an acceptable argument. The applicants after becoming permanent in Sports Inspectors/Coaches posts can not draw such parallels with their previous cadre. It is also noted that at that time they joined in a higher scale post.

17. As regards question of discrimination and violation of provisions under Articles 14 & 16 of the Constitution, we are of the view that Sports Inspectors/Sports Coaches are separate class and in view of foregoing observations, they can not be treated as equals with IPOs/IRMs/IMMs in terms of




meaning of equality in Articles 14 & 16 of the Constitution.

18. We also note that the respondents have passed a detailed and reasoned order dated 13.07.2008 in pursuance of the order of this Tribunal in OA 829 of 1998. It is noted in the said order that the Department has considered the matter in true spirit and has come to conclusion that there is no justification for upgradation of their pay scales. The order has been issued with the approval of the Secretary of the Department.

19. As regards the letter dated 13.03.2005, as contained in Annexure-A/22, we note that in the said letter issued to CPMG of circle it was requested to examine whether the qualifications and experience of present incumbents can be enhanced at par with the Sports Inspector/Coach in the Deptt. Of Youth Affairs & Sports and also, whether they can be given additional work load which may justify upgradation of their pay scale. Though issued in the light of observation made by this Tribunal, this letter is certainly for future actions and is not related to issues in the OA. As such, the contention of the applicants that the order passed by the respondents was not justified, and is without any authority and is merely a formality, is not acceptable.


20. Having made aforementioned observations about the upgradation of pay scales of Sport Inspectors/Coaches at par with IPOs/IRMs/IMMs, we come to the other question of allowing ACP benefit to the applicants. They have prayed for granting the scale of Rs.6500-10500 after completion of 12 years of service. This obviously seems to be based on their claim for higher scale at par with IPOs/IRMs. We also note that Shri Ram Bilas Pandey and Shri N.N.Singh [applicants herein] were granted benefit of 2nd financial upgradation under ACP w.e.f. 09.08.1999 to the scale of Rs.5000-150-8000 [Annexure-A/14]. It is also noted that the applicants were initially appointed in the scale of Rs.425-700/- prior to 4thCPC. This was revised to 1400-2300 i.e., after 4th CPC and to Rs.4500-7000 after 5th CPC. As per applicants, they were not granted any promotion. The aforementioned revisions seem to be only replacement scales after CPC recommendations. The respondents have also not said anywhere that applicants were granted any promotion prior to 09.08.1999. Thus, it is not clear as



to how the upgradation granted vide aforementioned letter was 2nd financial upgradation in terms of ACP Scheme. The applicants have claimed that their recruitment to Sports Inspectors was direct recruitment. The respondents, while not agreeing to the case of upgradation of scale at par with IPOs have taken the plea of introduction of 33% direct quota and higher educational qualification for direct recruitment to IPOs Cadre based on 5th CPC recommendations. If that be the ground, than surely the comparison is with direct recruits meaning thereby that the Sports Inspectors/Coaches were being treated as direct recruits; otherwise the whole case of respondents to reject the claim of applicants on that ground falls though. Hence, the appointment of Sports Inspectors/Coaches can not treated as by way of promotion. As such, the benefit of ACP w.e.f. 09.08.1999 can not be treated as 2nd financial upgradation. Instead it should have been treated as first financial upgradation. In that view of matter, the applicant would be entitled to 2nd financial upgradation also as and when they meet the conditions under ACP Scheme and, therefore, the respondents should re-examine the matter of granting upgradation to Sports Inspectors/Coaches as per ACP Scheme and/or later as per Modified ACP Scheme after 6th CPC.

21. In view of foregoing discussion the relief sought for by the applicants in para 8 of the OA are not agreed to and the OA is disposed of with direction to the respondents to reconsider the issue of granting benefit of financial upgradations to the Sports Inspectors/Sports Coaches who were appointed prior to new recruitment rules, under ACP Scheme and later under Modified ACP Scheme after 6th CPC as per applicable instructions keeping in view the observations made in this order, within a period of four months from the date of receipt/production of a copy of this order. No order as to costs.


[Bidisha Banerjee]/M[J]


[Akhil Kumar Jain]/M[A]

skj