

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

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Date of Order : 02.06.2003.

O.A. NO. 225/2003

Jai Bhagwan S/o Shri Ratan Singh, aged about 23 years, Resident of C/o Shri Ramkalyan Yadav, H.No. 117, Indira Colony, Kundan Nagar, Ajmer at present employed on the post of Ticket Collector in Western Railway, Ajmer Division, Ajmer.

.....Applicant.

versus

1. Union of India through General Manager,
Northern Western Railway,
Jaipur.
2. The General Manager,
Western Railway,
Churchgate, Mumbai.
3. The Chairman,
Railway Board,
Rail Bhawan, New Delhi.
4. The Divisional Railway Manager,
Ajmer Division,
Ajmer.

.....Respondents.

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CORAM :

Hon'ble Mr. Justice G.L. Gupta, Vice Chairman
Hon'ble Mr. G.C. Srivastava, Administrative Member

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Mr. Shiv Kumar, Advocate, present for the applicant.

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ORDER
[PER MR. JUSTICE G.L. GUPTA]

Mr. Shiv Kumar, points out that the applicant was appointed under the Sports quota but he was not given higher pay scale and, therefore, he filed O.A. No. 524/2002 which was decided by this Tribunal vide order dated 5.12.2002 giving directions to the respondents to dispose of the representation of the applicant. He contends that the respondents have not properly considered the representation of the applicant and have erred in rejecting the same vide communication Annexure A/1.

2. We have gone through the contents of the O.A. and the documents placed on record.

3. It may be pointed out that in the earlier O.A., the grievance of the applicant was only to grant him the pay scale of Rs. 6500-10500 or atleast Rs. 5000-8000. For that purpose, the Court had permitted him to make fresh representation which was to be decided by the respondents. Now, in the instant O.A. the applicant has not only prayed for the grant of higher pay scale at the time of his initial appointment but also for a direction to the respondents to consider him for out of turn promotion and grant of advance increments for the best performance in Sports in terms of the Railway Board's Circulars.

4. As to the prayer that the respondents be directed to consider the case of the applicant for out of turn promotion and increments, no direction can be given in this O.A. This O.A. is in continuation to the O.A. No. 524/2002 decided on 5.12.2002. The representation Annexure A/10 made pursuant to the order dated 5.12.2002, did not contain request for out of turn promotion or the advance grade increments. The respondents had, thus no occasion to



consider the case of out of turn promotion or the advance grade increments. The applicant, if thinks that he is entitled to out of turn promotion and the advance grade increments, should make proper representation which may be considered by the respondents.

5. As to the grant of higher scale of pay at the time of initial appointment, it may be pointed out, in the appointment order Annexure A/2 dated 21.9.1995, it was nowhere stated that the applicant was given appointment under the Sports quota.

5.1. Further, the applicant cannot get the higher pay scale under the Railway Board's Sports Policy dated 31.12.2001, Annexure A/8. This policy has been framed for recruitment of Sports persons by the Divisions/Workshops in Group 'D' category. The applicant has been given appointment in Group 'C' category and, therefore, he cannot have the benefit of this policy.

5.2. Moreover, the policy has come into force from 2001 whereas, the applicant had already been given appointment in the year 1995, therefore, he cannot claim higher pay scale on the basis of the policy of 2001.

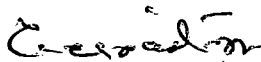
5.3. As to the Circular dated 25.5.1990, Annexure A/6, it may be pointed out that it nowhere provided that higher pay scale would be granted to the appointee. In the letters dated 2.2.1988 and 12.12.1988, the Railway Administration was empowered to fix the pay of the outstanding sports persons at the time of initial recruitment, at higher level. A limit was also fixed. In the instant case, the applicant was given appointment in the scale of Rs. 950-1500 at Rs. 1500/- which was the maximum. Therefore, it cannot be said that the respondents had erred in fixing the pay of the applicant.




5.4. The applicant having not protested against the grant of the pay scale of Rs. 950-1500 with maximum of Rs. 1500/- from 1995 till he filed the O.A. No. 524/2002, cannot get the relief as it is barred by limitation.

5.5. The applicant has not filed even Misc. Application for condonation of delay. The applicant, having accepted the pay scale and having not objected for many years, cannot successfully assail the order of fixing his pay at the time of his initial appointment.

6. For the reasons stated above, the O.A., as regards the grant of higher pay scale at the time of initial appointment, is dismissed in limine. As to the grant of out of turn promotion, the applicant may approach the authorities by way of representation which shall be decided by the respondents in accordance with the rules/circulars orders.


(G.C. Srivastava)
Adm. Member


(G.L. Gupta)
Vice Chairman

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jrm