

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH ::: GUWAHATI-5.

Q.A. NO. 163/94
T.A. NO.

DATE OF DECISION 19-1-96

Shri Labuktongbam Lalgopal Sharma

(PETITIONER(S))

Dr.N.K.Singh with Mr.A.Singh

ADVOCATE FOR THE
PETITIONER (S)

VERSUS

Union of India & Ors.

RESPONDENT (S)

Mr.G.Sharma Addl.C.G.S.C.

ADVOCATE FOR THE
RESPONDENT (S)

THE HON'BLE JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN

THE HON'BLE SHRI G.L.SANGLYINE, MEMBER(A)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

yes

yes

No

No

M.G. Chaudhary

Judgment delivered by Hon'ble Vice-Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

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Original Application No.163/94

Date of Order: This the 19th Day of January 1996

JUSTICE SHRI M.G.CHAUDHARI, VICE-CHAIRMAN
SHRI G.L.SANGLYINE, MEMBER(A)

Shri Labuktongbam Lalgopal Sharma
Son of L.Shyamo Sharma of
Haobam Marak Ngangom, Leikai
working as Accountant in the office of Accountant
General (A & E) Manipur, Imphal.

... .. Applicant.

By Advocate Mr.N.K.Singh with Mr.A.Singh.

-Vs-

1. Union of India, represented by the Comptroller &
Auditor General of India, New Delhi-2-
 2. Accountant General(A&E) Imphal
Manipur-795001.
- Respondents.

By Advocate Mr.G.Sharma, Addl.C.G.S.C.

O R D E R.

CHAUDHARI J(VC):

We have gone through the records and have heard Mr.G.Sharma for the respondents. We are inclined to pass the following order acting under Rule 15(1) of the Central Administrative Tribunal(Procedure) Rules 1987.

1. The applicant who is working as Accountant in the office of Accountant General(A & E) Manipur, Imphal was admittedly a Board Champion at a Chess Tournament held by the Osmania University even before he was appointed as a Clerk in the office of the Accountant General on 07-10-1987. Even after his appointment he participated in several Open Chess Tournaments some of which were International events. Even the written statement sets out his participation in such VII Events between 1990 and 1994.

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2. The applicant participated in the Esquire International Rating Open Chess Tournament held at Muzaffarpur from 24-10-91 to 3-11-91. It appears that it was an International event and the applicant secured 2nd place in the Tournament. For the participation in the tournament he had sought permission of the department on 23-3-1991 requesting that the period of his absence from Headquarter may be treated as on duty and he may be paid TA/DA. That request was granted.

3. The applicant requested for granting him advance increment for excellence in the tournament. That request was made on 2-2-92 followed by reminder dated 24-8-92. That request however has been rejected by the Headquarter although the office of AG Manipur was in some doubt. The AG had therefore, sought clarification from the Headquarter and by letter dated 11-2-94 the office of the Comptroller and Auditor General of India opined that the case of the applicant was not covered for grant of advance increment as there was no official indication that the event was recognised by any International Body in chess and the participation by the applicant was with the prior approval of Govt. of India.

4. Aggrieved with the aforesaid refusal the applicant has filed the instant O.A. ^{Interalia} praying that the Comptroller and Auditor General of India be directed to give him advance increment under office memo No.6/1/85-Estt.(Pay-1) dated 16-7-95 as also to give him two increments as he had participated in an International Event and had stood second ^{thereat} threat. These increments were claimed from 1st December 1991 onwards.

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5. The written statement has been filed by the Senior Deputy Accountant General, Manipur who apart from expressing inability to accept the request of the applicant as prayed on the basis of the opinion of the Comptroller and Auditor General it has also been contended therein that the applicant had not informed the office that he was an International Chess Player registered with All India Chess Federation and had also not informed that he had received prize money of Rs. 5,000/- from the State Government and therefore he is not entitled to get the benefit of the increments.

6. The refusal to grant increments to the applicant thus is not based on the ground of ineligibility to the claim the same but on the ground that there was no indication that the event was recognised by any International Chess Sports Body ^{in chess} and the participation of the applicant in the tournament was not with prior approval of Government of India.

7. We think that the request has been refused on too narrow considerations. The policy of the Government of India being to encourage sports activities and sporting events the approach has to be such as to encourage more and more participants to go forward and bring laurels to the country. Enthusiasm of young and upcoming sportsmen ought not to be ^{dampened} on narrow or technical considerations. More so where the player appears to be deserving to get the incentive. Even according to the written statement the applicant has been a recognised and up-going Chess player who had participated in several sports events over the period of time.

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Moreover admittedly the State Government had awarded him a lumpsum amount of Rs. 5,000/- in recognition of his sporting talent. The respondents do not deny the fact that he stood at the second place in the tournament in question.

6. We shall first turn to the second ground on which Comptroller and Auditor General's office has based its opinion. Firstly it is stated that there is no indication that the event is recognised by any international sports body in chess. In that connection Annexure R II produced by the respondents which is the information Brochure relating to the tournament in question clearly mentioned "Recognised by All India Chess Federation." The legend of the tournament reads as follows:-

International
"Esquire ~~National~~ Rating Open Chess Tourna-
ment October 24th to Nov' 3RD'91."

Since the Annexure is coming from the respondents themselves we are not impressed by the ground that there is no indication of recognition of the event by any International Sports Body in Chess. Annexure A-3 dated 10-4-91 O.M.No.6/1/91-Estt(Pay-1) issued by Government of India Ministry of Personnel etc. lists the All India Chess Federation as one of the recognised National Sports Federations as approved by the Department of Youth Affairs and Sports. The Brochure shows that the event was an international rating open Tournament organised by the sponsoring Association and it was an event of International importance. That cannot be ignored on the technical ground that the event was not shown to be recognised by an International Sport Body. Moreover the O.M.No.6/1/85-Estt(Pay-1) of the Ministry of Personnel(etc.) dated 16-7-85 ^{mentioned} ~~referred~~ in Annexure A-5

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dated 7-11-88 ^{refers to} mentions as ^{Participation by central Government servants} "Tournamentⁱⁿ of National of International sporting events and tournaments of national or therefore ~~are two~~ International importance". Therefore recognition by an international body and ^{an} event of international importance ^{are} different things. The event in question can be treated as ~~to be~~ one of National importance. In our view since it was also international rating open tournament it can be regarded as of international importance. This aspects needs to be examined ^{by the authorities}.

8. As far as the first ground of prior approval for participation is concerned the letter/application that was submitted by the applicant to the AG, Manipur, a copy of which is annexed to written statement should be regarded as sufficient compliance therewith. The subject mentioned was "request for permission to play in the Esquire International Rating Open Chess Tournament to be held at Muzaffarpur (Bihar)". It was stated that he was invited to take part in the tournament and he requested ^{permit him to} to participate in the Championship. It was further stated that time spent for participation in the tournament may be treated as on duty as per rules of Government of India order No.6/2/85-Estt(Pay-1) dated 30-1-89. He further requested to provide him facilities as per rules under the aforesaid order. He had enclosed the information Brochure of the tournament and the International Rating list alongwith that letter. Since the applicant had clearly requested that he may be permitted to participate in the tournament and as in the written statement it is stated that that request was granted and the period of absence was treated as on duty and he was paid TA/DA we find no charm in the objection raised that the participation was not with the prior approval of Government of India. We think that the permission granted by the Accountant General, Manipur should be construed as approval given on behalf of Government of India. The letter of the Comptroller and Auditor General of India merely states that

it was not mentioned that the participation was with the prior approval of the Government of India. It ^{does} ~~does~~ not say that there was no prior approval given. Therefore it appears to us that the request of the applicant came to be rejected for want of timely steps being taken and information provided by the local officers and thus it is a case of omission which ought not to be allowed to come in the way of legal entitlement. The other grounds raised in the written statement do not impress us.

9. We are thus of the opinion that the request of the applicant deserves consideration. It is of significance to note that in the International Rating list that was submitted by the applicant to the respondents and now produced by the respondents being "FIDE Rating list" the name of the applicant figures at Sl.No.2305. That shows his high proficiency in the game of Chess.

10. For the above reasons we would have been happy to grant the reliefs prayed by the applicant. However the factual material indicated in the course of the above discussion needs verification. Hence we pass the following order:

Order

- 1) The respondents are directed to re-examine the request of the applicant for payment of advance increments in accordance with the rules after verifying the requirements of eligibility for the same in the light of foregoing discussion in the judgment. The respondents shall give an opportunity to the applicant to produce such further material as he may desire to produce to meet the objections raised by the office of the Comptroller and

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✓ Auditor General of India in the letter dated 11-2-94 Annexure A-5. After re-examining the case the respondents shall ~~have~~ convey their decision on the request of the applicant as made in the O.A. to him.

ii) If the respondents grant the relief to the applicant as prayed they shall give effect to the same forthwith.


iii) In the event of respondents rejecting the request of the applicant and the applicant feels aggrieved with the same he will be at liberty to pursue his remedies in accordance with the law as he may be advised.

✓ iv) The respondents are directed to complete the aforesaid exercise as far as possible within a period of three months from the date of receipt of copy of this order but in any event within six months from the date of receipt^{of} copy₁ of this order.

O.A. is partly allowed in terms of the aforesaid directions. No order as to costs.

Copy of this order should be sent as soon as it is ready to the applicant directly and to the respondents.


(G. L. SANGLI) (MEMBER)
MEMBER


(M. G. CHAUDHARI)
VICE-CHAIRMAN