

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

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**O. A. No.60/148/2017
M.A. No.60/1006/2017**

Date of decision: 14.08.2018

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**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MRS. AJANTA DAYALAN, MEMBER (A).**

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Amarjit Singh Sandhu, S/o Late Chanchal Singh, aged 43 years, working as TTI (Group-C) posted under CIT Line Ludhiana.

... APPLICANT

VERSUS

1. Union of India through Ministry of Railways, Rail Bhavan, Raisina Road, New Delhi through its Secretary.
2. General Manager, Northern Railways, Baroda House, New Delhi.
3. The Secretary, Northern Railway, Sports Association, Room No.7G, adjacent to the post office Northern Railway, Head Quarter Office, New Delhi.
4. Divisional Railway Manager, Ferozepur Division, Northern Railway, Ferozepur.

... RESPONDENTS

PRESENT: Sh. Anil Kumar Sharma, counsel for the applicant.
Sh. Sanjay Goyal, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicant assails order dated 21.11.2016 whereby his representation for grant of incentive increments has been rejected. He has further sought issuance of direction to the respondents for grant of incentive increments to him being outstanding sportsperson, as per clause 9.1 of instructions dated 31.12.2010 (Annexure A-2) issued by the respondent department.
2. The facts are largely not in dispute

3. The applicant who is an outstanding sports person, initially joined respondent department as TCR on 26.05.1998 under sports quota. It is admitted case that at the time of joining service, he was granted 17 increments and his pay was fixed @Rs.4350/-. After joining respondent department, he continued to represent the respondents and has earned Gold and Bronz Medals with winning performance. He stakes his claim for grant of incentive increments, being outstanding sportsperson, in terms of Railway Board instructions starting from 19.06.2000, lastly modified on 31.12.2010. Applicant submitted representation but when the same was not decided, he approached this Tribunal by filing O.A. No.060/00732/2016 which was disposed of on 08.08.2016, with a direction to decide his claim. In furtherance thereto, the respondents have passed the impugned order rejecting his claim. Thus, applicant is before this Court for invalidation of impugned order on solitary ground that in terms of para 9.1.1 and 9.1.7 of Instructions, he is entitled to grant of 5 increments in his entire service. It is submitted that as per para 9.1.7, since he has achieved two medals after joining Railway in National Championship, therefore, he becomes entitled to grant of three increments: 2 for Gold Medal and 1 for Bronz Medal winning performance as indicated in para 9.1.1.2. Therefore, it is prayed that impugned order be invalidated and direction be issued to grant him benefit of incentive increments in terms of instructions dated 31.12.2010. Sh. Sharma in support of the above plea, vehemently argued that impugned view of the respondents is contrary to para 9.1.7 of instructions dated 31.12.2010. He also argues that under the old instructions also his case is covered, copy of which has been annexed as (Annexure A-2 colly). Therefore, the impugned order be set aside.

4. Respondents have resisted the claim of the applicant reiterating what has been stated in the impugned order. He argued that in terms of para 9.1.4 of the Instructions, one is entitled to grant of five incentive increments, in entire service, on account of sports achievement and since applicant has been granted 17 increments at the time of entry into service, therefore, they have rightly rejected his claim.
5. We have given our thoughtful consideration to entire matter and have perused pleadings available on record with able assistance of learned counsel for the parties.
6. Clause 9 of policy dated 31.12.2010 (Annexure A-2), deals with categories to which the increments are to be given and is very relevant for deciding the matter. The same is reproduced as below:

“9.1.1 Incentive Increments for Outstanding Sports Achievements:

For excellence at International and National Levels, following number of additional increments may be granted to sportsperson by the Railway Administration, after the approval of competent authority:-

9.1.1.1: For excellence in International Championships as mentioned in Para 3 above:

(i) Category-A (Olympic Games): Grant of additional increments for medal winning performance shall be considered on merits, on receipt of results.

(ii). Category-B Championships:

Gold Medal	:	3 increments
Silver Medal	:	2 increments
Bronze Medal	:	1 increment

(iii) Category-C Championship:

Gold Medal	:	2 increments
Silver/Bronze Medal	:	1 increment

9.1.1.2: For excellence in Senior/Youth/Junior National Championships:

- (i) Two increments for Gold medal winning performance.
- (ii) One increment for Silver or Bronze medal winning performance.”

(i)

"9.1.4: Only five incentive increments shall be granted to a Railway servant in entire service career, on sports accounts."

"9.1.6: Incentive increments granted to sportsperson would continue to be drawn at the same rate till retirement and these increments will not be counted for any service matters like while pay fixation on promotion, retirements or DA/CCA etc. These increments will be in form of Personal Pay equal to the amount of next increment due at the time of grant of the concession and will remain fixed during the entire service."

"9.1.7: The incentive increments to sportsperson as mentioned in Para 9.1.1 above, shall be granted only for the sports achievements after joining the Railways; by representing India in International Championships/meets or India Railways in National/International Championship"

7. It is not in dispute that applicant earned Gold and Bronze medal winning performance, after joining service i.e. on 16.06.1999 and 26.12.1999. Therefore, he has staked his claim for award of three increments as stipulated in clause 9.1.1.2 above. The view taken by the respondents is contrary to their own instruction. In the wake of noted facts, the impugned order is quashed and set aside. Respondents are directed to grant applicant three increments, being an outstanding sports person, for earning Gold and Bronze medal winning performance.

8. The O.A. stands allowed in the above terms. No costs.

9. M.A. also stands disposed of accordingly.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 14.08.2018.

Place: Chandigarh.

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