

CENTRAL ADMINISTRATIVE TRIBUNAL

CHANDIGARH BENCH

O. A. No.60/149/2017
M.A. No.60/1011/2017

...
Date of decision: 14.08.2018

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

...
Harjeet Kaur W/o Parminder Singh, aged 45 years, working as TTI (Group-C) posted under CIT Lane, Ludhiana, Punjab.

... 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 her representation for grant of incentive increments has been rejected. She has further sought issuance of a direction to the respondents to grant her incentive increments being an 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, she was granted

17 increments and her pay was fixed @Rs.4350/-. After joining respondent department, she continued to represent the respondents and has earned 13 Medals with winning performance. She stakes her 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, she approached this Tribunal by filing O.A. No.060/00734/2016 which was disposed of on 08.08.2016, with a direction to decide her claim. In furtherance thereto, the respondents have passed the impugned order rejecting her 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, she is entitled to grant of one increment in her entire service. It is submitted that as per para 9.1.7, since she has achieved number of medals after joining Railway in National Championship, therefore, she becomes entitled to grant of one increment for 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 her 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 already been granted 17 increments at the time of entry into service, therefore, they have rightly rejected her claim. There is a specific plea taken by them that medals obtained by applicant at Sr. No. 1 to 3 were before joining the service and medals mentioned at Sr. No. 4 to 16 are in Championships, which are not even included or recognized by Railways for grant of incentive increment.

5. The applicant has filed a rejoinder. However, she has not mentioned even a single word qua the plea taken by the respondents that the medals won by her are in Championships, which are not included for grant of incentive increments.
6. 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.
7. 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
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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.

"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"

8. In so far claim of the applicant for grant of out of turn promotion is concerned, that has rightly been rejected as she had only one winning medal performance instead of three and she does not deserve any relief on that count.
9. In so far as claim qua grant of increments is concerned, as noticed above, the applicant has earned medal winning performance after joining service in Championships, which are not even included for grant of incentive benefits. The grant of such benefit would obviously be dependent upon the fact as to whether a particular Championship is recognized or not. If it is not recognized by Railways, then question of grant of increment for earning a medal in such an event does not arise. This specific plea taken by the respondents in their reply has not been rebutted by the applicant in the rejoinder, except vague assertion that she is entitled to the benefit of increments, as per the policy, Annexure A-2. Thus, we have no hesitation in holding that the

applicant is not entitled to any increments for the medals won by her, in championships, which are not recognized for grant of incentive increments and as such the impugned orders cannot be interfered at all.

10. In view of the above discussion, this Original Application fails and is dismissed accordingly. The parties are left to bear their own costs.
11. M.A. also stands disposed of.

(AJANTA DAYALAN)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 14.08.2018.
Place: Chandigarh.

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