

**CENTRAL ADMINISTRATIVE TRIBUNAL  
CHANDIGARH BENCH**

...  
**ORIGINAL APPLICATION NO. 060/00251/2017**

**Chandigarh, this the 23<sup>rd</sup> day of April, 2018**

...  
**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MRS. P. GOPINATH, MEMBER (A)**

...

Prabhjot Singh S/o Gurdev Singh aged 41 years, working as TTI (Group-C) posted under CIT Line, Ambala cantt. District Ambala(Haryana)

....APPLICANT

(By Advocate : Shri Anil Kumar Sharma)

VERSUS

1. Union of India, through Ministry of Railways, Rail Bhawan, Raisina Road, New Delhi, through its Secretary.
2. General Manager Northern Railways Baroda House, New Delhi.
3. Divisional Railway Manager Ambala Division Northern Railway Ambala Cantt District Ambala(Haryana).

....RESPONDENTS

(By Advocate: Shri Sanjay Goyal)

**ORDER (Oral)**

**SANJEEV KAUSHIK, MEMBER (J)**

By means of present Original Application (O.A.), the applicant has assailed order dated 01.12.2016 (Annexure A-7), whereby his claim for grant of first out of turn promotion has been rejected by the respondents. He has also sought a direction from this Tribunal to direct the respondents to grant first out of turn promotion being an outstanding sportsperson as per clause 9.2.1 of instructions dated 31.12.2010 (Annexure A-12) governing the field.

2. The moot question which arose for our consideration in the instant O.A. is whether an outstanding sportsperson is required to apply within time for grant of out of turn promotion or it is the duty of the General Manager to recommend his case for grant of out of turn promotion.

3. Facts are not in dispute.

4. Applicant was appointed in Group-C category as TCR under Sports quota on 28.5.1998. He achieved various awards/medals in different events at National level as indicated at page 8 of the O.A., which have not been disputed by the respondents. It is the case of the applicant that in terms of policy governing the field for grant of out of turn promotion to outstanding sportsperson, it is the duty of the General Manager (Respondent no. 2) to forward his case without there being any reference by the concerned sportsperson. But, when his case was not forwarded for grant of out of turn promotion, he requested many time to consider his case for out of turn promotion as TTA being outstanding sport person, which has been turned down, hence the instant O.A.

5. The respondents resisted the claim of applicant by filing written statement, wherein they have submitted that since in terms of policy of 2010, the applicant does not fulfil the requisite conditions for grant of out of turn promotion, therefore he is not entitled for the same.

6. We have heard the learned counsel for the respective parties, and perused the material on record.

7. The learned counsel for applicant vehemently argued that the impugned view taken by the respondents for not granting him out of turn promotion is bad in law, and be set aside with further direction to the respondents to grant him out of turn promotion in terms of policy of 2010. He argued that it is the duty of the concerned General Manager to forward the case of outstanding sports person. Since he has not forwarded his case then applicant cannot be penalized for non grant of out of turn promotion at the relevant time. He argued that his achievements have not been disputed by the respondents. The only plea raised by the respondents is that he has not approached within time as stipulated in the instructions. The learned counsel for applicant has placed reliance upon the order rendered by a coordinate Bench of this Tribunal in O.A. NO. 612/PB/2008 titled **Mandeep Singh Versus Union of India & Ors.** decided on 16.8.2010 further affirmed by the jurisdictional High Court in CWP No. 4406-CAT-2011 decided on 16.3.2011 wherein a categorical finding has been recorded that it is for the General Manager concerned to take steps to consider case of outstanding sportsman for grant of out of turn promotion without there being an application in this regard by the concerned official. Therefore, he prayed that the impugned order be invalidated and a direction be issued to respondent concerned to grant him out of turn promotion from the due date.

8. On the contrary, Sh. Sanjay Goyal, learned counsel for respondents resisted his claim by submitting that the case of the applicant does not fall within four corners of para 9.2.3 of the

instructions dated 31.12.2010, therefore, his claim has rightly been rejected. He also urged that since the applicant has already been promoted under the normal course as TTA in the year 2001, therefore, now he cannot be granted out of turn promotion.

9. We have given our thoughtful consideration to the entire matter and are of the view that this O.A. deserves merit. The policy dated 19.6.2000 (Annexure A-2) cast responsibility upon the respondents to grant out of turn promotion to outstanding sportsperson rather wording suggest the responsibility cast upon General Manager to forward the cases of the outstanding sports persons for grant of out of turn promotion. Para 9.4.1 under subject Out of Turn promotion which reads as under:

“9.4 Out-of-Turn Promotion:

9.4.1 First out of turn promotion:

First out of turn promotion, within Group-C, may be given to the outstanding sportspersons by the General Manager, subject to fulfilling the following criteria and acquiring the sports achievements, after joining the Railways.”

10. Thus, it is clear that for grant of out of turn promotion, the case has to be forwarded by the General Manager without any reference from the concerned player. This issue has also been considered and decided by a coordinate Bench of this Tribunal in the case of Mandeep Singh (supra) wherein similar controversy was raised and it has been held therein as under:-

“A perusal of above instructions shows that, it is nowhere laid down that persons winning three consecutive medals need to apply for ‘first out of turn promotion’. Rather, it is the responsibility of the Railway Administration to accord such incentive/promotion to the Sports persons on their winning of medals for three consecutive occasions. It is not denied that the applicant had won three consecutive medals in the sports events ‘first Out of Turn Promotion’ from a due date in 1999, which according to the applicant is 29.10.1999. Despite instructions on the subject and applicant having won such medals, applicant was not given the ‘First Out of Turn Promotion’. Therefore the respondents are directed to consider the case of the applicant for

grant of 'First Out of Turn Promotion' from the due date within a period of 3 months from the date of receipt of a certified copy of this order with all consequential benefits of arrears of pay and allowances and seniority etc."

The said order has also been approved by the jurisdictional High Court, by dismissing CWP no. 4406-CAT- 2011 filed at the hands of Railways by upholding the view that given by the Tribunal for grant of out of turn promotion, which reads as under:-

"4. The Tribunal after considering the instructions dated 19.6.2000 (P-4) has recorded a categorical finding that the said instructions nowhere stipulates that the persons winning three consecutive medals need to apply for 'first out of turn promotion'. It was the responsibility of the Railway Administration to grant such incentive/promotion to the sportspersons on their winning medals. Accordingly, the Tribunal vide judgment dated 16.8.2010 (P-5) allowed the original application filed by the applicant-respondent No. 1.

5. Having heard learned counsel for the parties and perusing the paper book we are of the considered view that the petitioners have not been able to show anything new. The pleas which were taken before the Tribunal have again been urged before us. We see no legal infirmity in the view taken by the Tribunal. The instructions dated 19.6.2000 (P-4) as well as subsequent instructions dated 20.6.2006 (A-1) nowhere prescribes that it is the duty of the sportsperson to apply to the authorities for 'first out of turn promotion' upon winning medals on three consecutive occasion. The instructions in clear terms prescribes that it is the General Manager concerned who has to give such 'first out of turn promotion to the truly outstanding sports persons on the basis of the criteria prescribed in the instructions. There is no dispute about the fact that the applicant-respondent No. 1 answers all the conditions laid down in para 9.4.2 of the instructions dated 19.6.2000 (P-4), which are applicable in his case.

6. In view of above discussion, there is no merit in the instant petition warranting its admission. Accordingly, this petition fails and the same is dismissed."

11. Considering the ratio laid down in the case of **Mandeep Singh** (supra) wherein similar orders were under challenged and set aside by accepting the O.A., therefore, we left with no option but the quash the impugned order with a direction to respondents to grant

first out of turn promotion to the applicant being outstanding sportsperson from due date. Let the above exercise be completed within one month from the date of receipt of certified copy of this order.

**(P. GOPINATH)**  
**MEMBER (A)**

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**Dated: 23.04.2018**

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