

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No. OA 505 of 2013

Date of order : 29.8.16

Present: Hon'ble Ms. Bidisha Banerjee, Judicial Member
Hon'ble Mr. Uday Kumar Varma, Administrative Member

DR. LAILA DAS & ORS.

VS

UNION OF INDIA & ORS.

For the applicants : Mr. B. Bhusan, counsel

For the respondents : Mr. S. K. Dutta, counsel

O R D E R

Ms. Bidisha Banerjee, J.M.

Ld. Counsels for the parties were heard and materials on record were perused.

2. The present OA has been filed seeking the following reliefs :

- a) Leave may be granted to the applicants to join together and file a single application under Rule 4(5)(a) of the Central Administrative (Procedure) Rules, 1987 being similarly situated and have a common interest in the matter having regard to the cause and the nature of reliefs prayed for;
- b) They be granted financial benefits under Dynamic ACP from the due dates;
- c) They be paid arrear on this account;
- d) Interest @ 18% per annum on all arrears;

3. The admitted facts that could be culled out from the pleadings of the parties are as under :

The present applicants are working in the Medical Department of Sports Authority of India (SAI) since last 20 years. They were appointed as a Medical Officer/ Jr. Scientific Officer and thereafter promoted as a Scientific Officer. The applicant No. 3 has been stagnating in the same post of Jr. Scientific Officer due to lack of opportunities/scope. However, all the three applicants are now eligible for grant of Dynamic ACP (DACP) benefit as per recommendation of 6th CPC. The respondent authorities have, however, denied the said benefit. Hence the present OA is filed.

4. The respondents in their reply have stated as follows :

Sports Authority of India (SAI) is an autonomous body working under the Ministry of Youth Affairs & Sports (MYAS) and has its own service rules and procedures. The employees working under SAI are given benefits attached to their respective pay scales as per the recruitment Rules and as per the orders issued and schemes approved by the Ministry from time to time.

The schemes recommended by the CPC do not ipso facto become applicable to the employees of SAI and the benefits are granted on approval of the scheme as per the Recruitment Rules. They have also stated that various schemes recommended by the CPC have been adopted and implemented only after the same got approved by the Ministry of Youth Affairs and Sports.

The issue in the present OA is of Dynamic ACP Scheme (DACP) which has been recommended by the 6th CPC but not yet approved by the Ministry of Youth Affairs and Sports and therefore could not be implemented till date. Moreover there is no legal provision which entitles the applicants to seek benefits under the scheme which is not applicable to them. The respondents have also stated that SAI has already initiated the process of seeking approval for implementation of the said scheme from Ministry of Youth Affairs and Sports.

The respondents have submitted that the authorities have duly considered the representations made by the applicants prior to filing of the OA. While considering the representations, analysis of the scheme revealed that the said DACP scheme provides for the financial benefits to the General Duty Medical/Dental Officers and Specialist Doctors as per the guidelines laid down in the said scheme based on the years of service rendered by such medical officers in a particular pay band. Although the applicants possess MBBS degrees, they are working as Scientific Officers and not Medical Officers. On this issue the respondents have sought for clarification of the DACP scheme from the Ministry, which is still awaited.

As the applicants have failed to raise any legal basis for the demand of the benefits under the DACP scheme, the respondents have prayed for dismissal of the OA.

5. We have duly considered the rival contentions and materials on record and given our anxious consideration to them.

6. We noticed that till date no decision has been taken by the Ministry and this Tribunal cannot adjudicate upon the correctness or propriety of any decision not yet taken.

7. Therefore in all fairness we direct the respondent No.1 to take a decision in regard to the implementation of DACP scheme and its applicability to the present applicants, as expeditiously as possible, preferably by four months from the date of communication of this order.

8. It is made clear that we have not gone into the merits of the case.

9. The OA accordingly stands disposed of.

10. No order is passed as to costs.

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(UDAY KUMAR VARMA)
MEMBER (A)

(BIDISHA BANERJEE)
MEMBER (J)

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