

**Central Administrative Tribunal
Madras Bench**

OA/310/00407/2015 & MA 310/00215/2015

Dated the 9th day of October Two Thousand Eighteen

P R E S E N T

**Hon'ble Mr. R. Ramanujam, Member(A)
&
Hon'ble Mr. P. Madhavan, Member (J)**

R. Ramasubramanian
Chief Travelling Ticket Inspector
Chennai Egmore
Chennai Division
Southern Railway.

.. Applicant

By Advocate **M/s. Ratio Legis**

Vs.

1. Union of India rep. by
The Director (PG)
Minister for State (Railways)
Rail Bhavan
New Delhi – 110 001.

2. The Secretary
Railway Sports Control Board
Rail Bhavan, New Delhi.

3. The General Manager
Southern Railway
Park Town
Chennai 600 003.

4. The Senior Divisional Personnel Officer
Chennai Division
Southern Railway, Chennai – 3.

... Respondents

By Advocate **Mrs. Meera Gnanasekar**

ORAL ORDER

Pronounced by Hon'ble Mr.R.Ramanujam, Member(A)

Heard. The applicant has filed this OA seeking the following relief:-

“To call for the records related to the order No. DPG/M.S.R (A) 2009/200 dated 02.12.2002 and to quash the same and further to direct the respondents to extend 'two advance increments' with reference to Para IV (1) (a) of the Railway Board's letter no. E(NG)I/90/RR-3/3 dated 25.05.1990 with all the attendant benefits and to pass such other order/orders”

2. It is alleged that the applicant had brought laurels to the Railways in various competitions which ought to have been duly recognised and rewarded. The respondents had passed an order dt. 25.05.1990 for two advance increments to the members of the Indian Railways Basket Ball Team which won National Championship Trophy in the year 1987 at Mysore. Some persons were rewarded with two increments but the applicant was singled out for a differential treatment and granted only one advance increment at the relevant time.

3. Aggrieved by the above, the applicant made a representation to the competent authority seeking two additional increments for winning at Mysore National Basket Ball in December 1997. The applicant's representation was rejected by Annexure A1 impugned order dated 02.12.2002 stating that in terms of the Railway Board letter dated 23.02.1988, the applicant was eligible for grant of one additional increment only which had already been granted to him for securing the 3rd place in 1987 in World Railway Games.

4. It was further informed that no basket ball player from the Southern Railway had been awarded two increments for winning the National Championship at Mysore in 1987. However two additional increments were granted to other two players for performance for 1988 for winning the Senior National Basketball Championship held at Jamshedpur and not for performances of 1987 Senior National Basketball Championship in Mysore. Instructions regarding grant of additional increments to sportspersons on winning the Senior National Championship were issued on 02.02.1988 and, therefore, the applicant's request was covered by the extant instructions at the relevant time.

5. Not satisfied with the aforesaid communication, it is alleged that the applicant submitted Annexure A2 representation dated 18.03.2003 along with a list of sports persons who were allegedly granted two advance increments. However, no action was taken on the representation. The applicant, therefore, made a further representation dated 10.08.2014 which also remained unresponded to.

6. The respondents have filed a reply contesting the claim of the applicant. It is submitted that in terms of the Ministry of Railways letter dated 25.05.1990 (Annexure R III), General Manager was empowered to grant additional incentives to sports persons for excellence and two increments for gold medal winning performance during National Championships. However, such orders did not carry retrospective effect and that could not be applied to the championship held in Mysore in 1987. As for the allegation that one M. Srinivasan was granted two

increments for Mysore Championship, the respondents submit that someone had made an unauthorised interpolation in his service register that he was granted two increments for Mysore Championship which was not correct.

5. We have considered the submission made by the rival sides and perused their pleadings. If the General Manager was competent to grant two additional increments in terms of a Railway Board Communication dated 25.05.1990, it would clearly have perspective effect unless granted retrospective effect by the competent authority for valid reasons. From Annexure R III communication it appears that there is no specific mention of the instructions carrying retrospective effect and, therefore, the question of the same being applied to any performance in 1987 would not arise. As for the allegation that one M. Srinivasan was granted two increments, it does appear from the copy of the service register attached with the OA that the words Mysore National were added at the margin without any authentication and as such it does appear to be an unauthorised interpolation. However, the reply is silent on the claim that some other persons were also granted two increments for their performance in 1987.

6. As the applicant had not agitated the matter at the relevant time and it is nearly 30 years since the alleged cause of action arose, it is not possible to grant any relief to the applicant. However, if the applicant wishes to establish to the satisfaction of the respondents that pursuant to the 1990 decision, the persons whose names are mentioned in his representation dated 18.03.2003 were indeed

granted two advance increments with retrospective effect for their performance in the Mysore Championship, he is at liberty to produce evidence thereof to the competent authority who may thereafter consider the matter and pass appropriate orders.

7. OA is disposed of with the above observations. MA 215/2015 for condonation of delay stands disposed of accordingly.

(P. Madhavan)
Member (J)
AS

09.10.2018

(R.Ramanujam)
Member(A)