

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI**

OA 1680/2019

This the 27th day of May, 2019

**Hon'ble Mr. R.N. Singh, Member (J)
Hon'ble Mohd. Jamshed, Member (A)**

1. Anil Kumar Trehan
S/o Late Shri Om Prakash Trehan,
Age-53 years, Designation UDC
R/o 8C/23A, L-55, Second Floor,
Gali No. 22A, New Mahavir Nagar
New Delhi-110018
2. Gurmeet Singh
S/o Late Sh. Uttam Singh,
Age-55 years, Designation UDC
R/o H.No. WZ-L-15, First Floor
Gali No. 15, New Mahavir Nagar
New Delhi-110018
3. Rajiv Mehta
S/o Late Shri J.C. Mehta,
Age-53 years, Designation UDC
R/o A-133, Second Floor,
Arjun Nagar
New Delhi-110029
4. Ranjana Arora
D/o Late Sh. R.L. Bhatia
Age-56 years Designation-UDC
R/o 937, Third Floor, Arjun Nagar
Kotla Mubarakpur
New Delhi-110003
5. Gopi Chand
S/o Late Shri Chet Ram,
Age-53 years, Designation UDC
R/o 173/10, Village- Islampur Extension
PO- South City-II, Opposite Air Force station
Sohna Road, Grugaon-124018
6. Usha Pandey (Retd.)
D/o Shri Hukum Singh Pawar,
Age-59 years, Designation UDC
R/o 18/16, A-1 Block, Gali No. 5

Amrit Vihar, Burari
New Delhi-110003

7. Shushila (Retd.)
D/o Sh. Sh. M.H. Sabhachndani
Age-58 years, Designation UDC
R/o H.No. 870, Sector-37
Faridabad-121003
8. Rajesh Singh
S/o Shri Kishan Singh,
Age-51 years, Designation Assistant
R/o Q. No. 83, Sector-1
Type-III, Sadiq Nagar
New Delhi-110049
9. Bhawani Panjiyara
S/o Shri Mahendra Panjiyara,
Age-51 years, Designation Assistant
R/o Q. No. 21, Barrack No. 38
SAI Staff Quarter, Major Dhyan Chand
Stadium, New Delhi-110001
10. Anil Kumar Dwivedi
S/o Late Shri M.L. Dwivedi,
Age-52 years, Designation Assistant
R/o A-19, Street No. 1, Dashrath Puri
Dabari Palam Road
New Delhi-110045
11. Veena Sharma (Retd on 31.01.2016)
Age-63 years,
W/o Sh. Anil Sharma,
Designation UDC
R/o WZ 105-A, IIInd Floor,
Lajwanti Garden, New Delhi
12. Rajbir Singh (Retired)
S/o Late Shri Badhani Singh,
Age-60 years, Designation- Assistant
R/o H. No. 448, Vill+PO- Upera
Tehsil and Distt.- Hapur
Uttar pradesh
13. Satyanarain (Retired)
S/o Late Sh. Shiv Charan,
Age-60 years, Designation-Assistant
R/o H.No. 219A, Gali No. 16
Ajay park, Najafgarh
New Delhi-110043

..Applicants

(By advocate: Sh. Manu Parashar)

Versus

1. Sports Authority of India (SAI),
Director General
J.N. Stadium, Loshi Road Complex
(East Gate), New Delhi
2. Ministry of Youth Affairs and Sports
Through Secretary
Union of India
Shastri Bhawan, New Delhi
3. Ministry of Personnel, Public Grievances and Pension
(Department of Personnel and Training),
Through Secretary,
Union of India
North Block, New Delhi

..Respondents

(By advocate: Ms. Geetanjali Sharma)

ORDER (ORAL)

By Hon'ble Mr. R.N. Singh, Member (J),

M.A. No. 1857/2019

Heard Sh. Manu Parashar, learned counsel for applicants and Ms. Geetanjali Sharma, learned counsel for respondents on receipt of advance notice.

2. By way of the aforesaid MA, the applicants have sought permission to file the present O.A. jointly.
3. In view of the fact that the applicants are similarly placed and their claim has been rejected by the respondents vide common impugned order dated 23.03.2018 (Annexure A-1), the M.A. is allowed.

O.A. No. 1680/2019

The applicants, 13 in numbers, have approached this Tribunal challenging the order No. F.No. SAI/Pers./2152/2017/259 dated 23.03.2018 (Annexure A-1) which is stated to have been passed in compliance of direction of this Tribunal in OA No. 1190/2016, filed by the same applicants along with a few others.

2. Learned counsel for the applicants submits that the respondents have refused to grant the benefit, as accorded to the applicants in O.A. No. 688/PB/2012 titled **Anil Khurana and Ors. Vs. UOI and Ors** decided vide order/judgment dated 21.12.2012 (Annexure A-5).

3. In the aforesaid circumstances, the applicants have prayed for the following reliefs in the present OA:-

a) Pass an order setting aside the impugned order dated 23.03.2018 and directing the Respondents to grant the applicants the pay scale of Rs. 9300-34800+4200 (grade pay) w.e.f. 01.09.2008 instead of Rs. 5200-20200+2800 (grad pay) as granted to UDCs working in Sports Authority of India, NSNIS, Patiala being employee of the same organization along with arrears of interest from due date till realization.

b) Pass such other or further order/s as this Hon'ble court may deem fit and proper in the facts and nature of the case as also in the interest of justice.”

4. We, from the perusal of the impugned order dated 23.03.2018, find that the respondents have considered the claim of the applicants at length while keeping in view the

judgment in **Anil Khurana** (Supra) and also by taking into consideration the relevant O.M. and advice of the DoP&T, the nodal department on the issue as well as the various other judgments of this Tribunal and other Hon'ble Court(s) and after considering they have passed the said order dated 23.03.2018. The operative portion of the said order reads as under:-

“14. The present case will be subject to review in respect of all similarly placed employees of SAI based on the outcome of SLP pending before the Hon'ble Supreme Court in an identical case (SLP No. 21803/2014 – in the matter of Union of India V/s Sh. Mohannan Nair). Therefore for the present, it is not possible to accept the demand for grant of MACP in the manner agitated before the Hon'ble CAT.”

5. On perusal of the of impugned order dated 23.03.2018, it is evident that the said decision of the respondents is subject to review, based upon the outcome of the SLP pending before the Hon'ble Supreme Court as the respondents have themselves intimated the applicants that the case will be subject to review in respect of all similarly placed employees of SAI based on the outcome of SLP pending before the Hon'ble Supreme Court in an identical case i.e. **SLP No. 21803/2014** titled **Union of India Vs. Sh. Mohannan Nair.**

6. In the circumstances, the OA is dismissed with liberty to the applicants to agitate their grievances in

accordance with law, in case the same are not redressed by the respondents, though the same servives after the judgment of Hon'ble Apex Court in the matter of Union of India Vs. Sh. Mohannan Nair (supra). No costs.

(Mohd. Jamshed)
Member (A)

(R.N. Singh)
Member (J)

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