

**Central Administrative Tribunal
Principal Bench**

OA No.800/2013

New Delhi, this the 19th day of February, 2019

**Hon'ble Sh. Justice L. Narasimha Reddy, Chairman
Hon'ble Sh. Mohd. Jamshed, Member (A)**

Shri Charan Singh
Jr. Engineer (Elect.)
Dr. Karni Singh Shooting Range (KSSR)
R/o A-144, Durga Vihar,
Near Sainik Farm,
New Delhi -62. Applicant

(By Advocates: Shri Riju Raj S. Jamwal with Shri Mohit Yadav)

Vs.

1. Government of India through
The Secretary,
Department of Personnel & Training,
North Block,
New Delhi.
2. The Sports Authority of India
Through The Secretary
Jawaharlal Nehru Stadium
New Delhi. .. Respondents.

(By Advocate: Ms. Geetanjali Sharma)

: ORDER (ORAL) :

Justice L. Narasimha Reddy:-

The applicant initially joined the service of National Institute of Sports (for short, NIS) in the year 1982 as Junior Engineer. In 1984, the NIS was merged with Sports Authority of India (for short, SAI), and the

applicant became employee thereof. He was extended the benefit of 1st ACP in the year 1992 and 2nd ACP in the year 2006. Since he was stagnating even after 24 years, a Time Bound Promotion (TBP) Scheme was extended to him on 21.07.2010.

2. This OA is filed with a prayer to direct the respondents to grant him 2nd ACP in the pay scale of Rs.10,000-15,200/- with effect from 18.09.2006, and to set aside the order dated 21.07.2010 through which the applicant was granted 2nd ACP in the pay scale of Rs.7450-11500/-.

3. The applicant contends that one Mr. N. M. Gill joined the service in the same organisation and held almost the same posts, and while in the case of Mr. Gill ACP/Time Bound Promotion was granted in the pay scale of Rs.10,000-15,200/-, he was denied such a benefit. Other grounds are also urged.

4. The respondents filed detailed counter affidavit. According to them, there is no comparison between the applicant, on the one hand, and Mr. Gill on the other hand, in the context of length of service or the positions held by them from time to time. It is also stated that the once the applicant was extended the benefit of 2nd ACP

and one Time Bound Promotion, orders impugned in the OA do not suffer from any illegality or legal infirmity.

5. We heard Shri Riju Raj S. Jamwal, learned counsel for the applicant and Ms. Geetanjali Sharma, learned counsel for the respondents at length.

6. The endeavour of the applicant is twofold. The first is to get fixed his ACP in a higher pay scale, and second is for grant of the first ACP in the pay scale of Rs.7450-11500/- . For both of them, he made an attempt to draw comparison with Mr. Gill. The record discloses that Mr. Gill joined the service as an Overseer, and he earned promotions thereafter. The point of time at which he joined service appears to be fairly earlier. For example, the applicant herein was extended the benefit of Time Bound Promotion and 2nd financial upgradation in the year 2010, whereas Mr. Gill became eligible to be extended the benefit of Time Bound Promotion after the first promotion in the year 1994 itself.

7. Further, even where two employees held the same post, there is a bound to be a possibility of their pay scales being different. If one of them is appointed to a post on direct recruitment, the promotee is likely to have higher scale of pay, depending upon the increments he has

earned in the feeder category. Another aspect is that a senior in a category is entitled to get promotion and his junior may remain in same post if the vacancy does not arise. The applicant cannot draw comparison with Mr. Gill.

8. Even otherwise, the applicant is not able to point out as to what exactly was his scale of pay. The 2nd ACP and Time Bound Promotion were given to him, in the scale of pay of the post of Assistant Engineer. There is also an element of uncertainty as regards the qualification held by the applicant.

9. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/