

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH**

**REVIEW APPLICATION NO.170/00073/2018 IN ORIGINAL APPLICATION
NO.170/00586/2017**

DATED THIS THE 24th DAY OF JUNE, 2019

HON'BLE DR.K.B.SURESH, JUDICIAL MEMBER

HON'BLE SHRI C.V.SANKAR, ADMINISTRATIVE MEMBER

Smt.B.Rajeshwari
W/o Sri.C.M.Mohan
Aged 53 years
R/a No.99, SAI quarters
Bangalore University Campus
Bangalore-560 056.
Working as Mess Manager
Sport Authority of India
NSSC, Bangalore.

....Applicant

(By Advocate Sri N.Amaresh)

Vs.

1. The Director General of
Sports Authority of India
J.N.Stadium Complex (East Gate)
Lodhi Road
New Delhi-110 003.
2. The Regional Director
Sports Authority of India
Netaji Subhash Southern Centre
Mysore Road
Bangalore-560 056.
3. The Deputy Director (Per)
Sports Authority of India
Netaji Subhash Southern Centre
Mysore Road
Bengaluru: 560 056.

....Respondents

(By Advocate Sri M.Vasudeva Rao)

ORDER(PER HON'BLE SHRI C.V.SANKAR, MEMBER (ADMN))

This review application has been filed seeking review of the order dated 18.09.2018 passed in OA.No.586/2017 by this Tribunal(Annexure-RA1). In the review application, the applicant have referred to the contentions already made in the OA.No.586/2017 such as getting 1st ACP rightly in the pay scale of Rs.5500-9000 after completion of 12 years of service w.e.f. 01.10.2000 as the next hierarchical post carries the pay scale of Rs.5500-9000 i.e. Catering Manager, getting 2nd MACP rightly w.e.f. 14.10.2008 in PB 2 with Grade Pay of Rs.4600 after completion of 20 years of service and merger of pre-revised pay scales of Rs.5000-8000, Rs.5500-9000 and Rs.6500-10500 into one pay band as per 6th CPC due to which she is to be placed in the next higher Grade Pay of Rs.4600 w.e.f. 01.09.2006 and in the GP of Rs.4800 w.e.f. 14.10.2008 date on which she has completed 20 years of service. The applicant enclosed SAI Service Bye Laws at Annexure-RA2 stating that as per the said bye laws there is one post of 'Mess Supervisor' which is now re-designated as 'Supervisor' after framing the RRs in the year 1993. She also furnished a letter dtd.5.6.1992 along with the list of 'isolated posts' in which the post of Mess Manager is not found, stating that this particular document was not available with her and as such she could not file the same at the relevant point of time with due diligence. She pointed out that the Hon'ble Tribunal while dismissing the OA has missed to take note of the clarifications of DoPT dt.10.2.2000 & 18.7.2001 and also missed the point that unlike MACP, ACP shall be given against regular promotion which means the employee is to be placed in the scale of next promotional post(Annexure-RA5). Applicant further points out that the Tribunal has missed the issue with regard to recovery in view of the Hon'ble Apex Court judgments in Sahib

Ram and White Washers' cases.

2. The respondents have filed reply statement reiterating the submissions made in the main reply of OA.586/2017.
3. The order dtd.18.9.2018 passed by this Tribunal in OA.No.586/2017 rested mainly on the position that the applicant's post was an isolated post and therefore in the absence of any hierarchical promotional grade of pay, the ACP should have been given only in the immediate higher scale. The review applicant has brought before us Annexure-RA2, detailing the Service Bye-laws of Sports Authority of India wherein at SI.No.37, the post of Mess Supervisor in the scale of pay of Rs.1640-2900 and Mess Manager post at SI.No.53 with the pay scale of Rs.1400-2300 are mentioned. Further vide Annexure-RA3, the list of isolated posts for which the respondents provided One Time Bound Promotion also does not contain the post occupied by the applicant. The review applicant has produced certain additional documents obtained under RTI Act, 2005 containing the Screening Committee recommendations relating to Sri.Anthony Fernandez, Mess Manager who was subsequently promoted as Catering Manager and the review applicant herein Mrs.B.Rajeshwari, Mess Manager and in para-15 and 16 of the Screening Committee recommendations, the post regarding the review applicant has been shown to be similar to that pertaining to the other Mess Manager Sri.Anthony Fernandez. The DPC note sheets relating to the promotion of Sri.Anthony Fernandez furnished by the review applicant also state in the relevant para as follows:

"Catering Manager: As per R.R.Rules, the post of Supervisor(HC) has been identified for promotion/appointment from the feeder cadre of Catering Assistant which is an equivalent to the functioning of Mess Managers and equivalent scale. SIU has granted the Catering Manager post presumably in place of Supervisor(HC). Hence we may take catering manager post as a promotional

avenue to Mess Managers and proposed to be filled in by promotion as per the above criteria".

4. Therefore, it is very clear that the post of Mess Manager is a feeder cadre to the higher post of Catering Manager and our earlier holding relating to the applicant's post being an isolated post no longer holds good. The SAI NSSC, Bangalore having one post of Catering Manager is also not disputed as per the records.

5. Taking note of all the above, it is apparent that the claim of the review applicant is justified. The Review Application is therefore allowed and the respondents are directed to issue necessary orders accordingly within a period of two(2) months. No costs.

(C.V.SANKAR)
MEMBER (A)

(DR.K.B.SURESH)
MEMBER (J)

/ps/

Annexures referred to by the applicant in RA.No.73/2018 (OA.No.586/2017)

Annexure-RA1: Copy of order dt.18.9.2018
Annexure-RA2: Relevant Extract of Bye-Laws/RRs
Annexure-RA3: Letter dtd.5.6.1992 with list of isolated posts
Annexure-RA4: Copy of DoPT clarifications dt.10.2.2000
Annexure-RA5: Copy of ACP Scheme dt.9.8.1999

Annexures with reply statement:

-NIL-

Documents enclosed alongwith Memo dtd.3.4.2019 filed by the applicant:

Document 1: Copy of information dtd.11.01.2019 obtained through RTI along with office note dtd.2.7.2001 w.r.t. Promotion to Cateoring Manager from Mess Manager and also the promotions made as per the advice of SIU in SAI
Document 2: Copy of information dtd.25.02.2019 obtained through RTI
