

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00299/2017

DATED THIS THE 15TH DAY OF APRIL, 2019

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI C.V. SANKAR, MEMBER (A)

Ms. S. Srividhya,
33 years,
D/o Sri S. Sivaprakasam,
Working as Junior Scientific Assistant,
Sports Authority of India,
Netaji Subhash Southern Centre,
Mysuru Road, Jnanabharati Campus,
Bengaluru : 560 056

..... Applicant

(By Advocate Shri P.A. Kulkarni)

Vs.

1. Union of India,
Represented by its Secretary,
Ministry of Youth Affairs & Sports,
Shastri Bhavan,
New Delhi: 110 001

2. Director General,
Sports Authority of India,
JN Stadium, East Gate,
Lodhi Road,
New Delhi: 110 003

3. Director (Personnel),
Sports Authority of India,
Jawaharlal Nehru Stadium Complex (East Gate),
Lodhi Road,
New Delhi: 110 003

4. The Regional Director,
Sports Authority of India,
Netaji Subhash Southern Centre,
Mysuru Road, Jnanabharati Campus,
Bengaluru : 560 056

....Respondents

(By Shri Vishnu Bhat, Senior Panel Counsel for Respondent No. 1 and
M/s J. Hudson Samuel & Partners, Counsel for Respondent No. 2 to 4)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J)

Heard. The applicant seeks that atleast after 10 years of continuous service on contract she should be regularized as a Junior Scientific Assistant. The respondents says that cadre restructuring is going on and in accordance with the recruitment rules only that they can be posted. They would also say that applicant had applied for a higher post of Junior Scientific Officer and did not qualify for the interview after appearing for the written test. But then that is neither here nor there as the applicant is being continued for 10 years continuously. There is obviously a need for such a post and, therefore, it cannot be denied that there is a requirement for a person like applicant or an equivalent person at that post. But then we will

give an opportunity for the respondents to see whether she can be accommodated within their structure. If it can be done, then, she must be allowed to continue even if she had been transferred elsewhere. After 10 years of the best part of her life, applicant cannot be disengaged now at this juncture. This right of the applicant is hereby declared. If by any chance if the applicant cannot be accommodated and the respondents passes a speaking order then we will give the applicant liberty to challenge it. But then a word of caution that this action on the part of the respondents must be on compelling and significant reasons. The future cadre restructuring or the recruitment rules to be amended etc. will not be a ground against consideration for continuing of applicant to that post. Therefore, in this limited regard, we issue a mandate in favour of the applicant.

2. The OA is allowed to this limited extent. No order as to costs.

(C.V. SANKAR)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

Annexures referred to by the applicant in OA No. 170/00299/2017

Annexure A1 Copy of the communication dated 28.03.2016 regarding applicant's Ph.D program

Annexure A2 Copy of the applicant's career profile

Annexure A3 Copy of the initial appointment order dated 29.07.2008

Annexure A4 Copy of the extension order dated 14.10.2009

Annexure A5 Copy of the extension order dated 14.10.2010

Annexure A6 Copy of the extension order dated 3-1.05.2011

Annexure A7 Copy of the extension order dated 18.04.2012

Annexure A8 Copy of the extension order dated 24.09.2012

Annexure A9 Copy of the extension order dated 01.10.2013

Annexure A10 Copy of the extension order dated 22.10.2013

Annexure A11 Copy of the service certificate covering the period from August 2008 to March 2014

Annexure A12 Copy of the extension order dated 26.05.2014

Annexure A13 Copy of the extension order dated 27.10.2014

Annexure A14 Copy of the extension order dated 09.09.2015

Annexure A15 Copy of the SAI Staff RRs 1992

Annexure A16 Copy of the Hon'ble Apex Court judgment reported in (2006) 4 SCC in the case of Umadevi

Annexures with reply statement

Annexure R1 Copy of the newspaper advertisement dated 27.09.2011

Annexure R2 Copy of the letter and application for the post of Junior Scientific Officer dated 14.10.2011

Annexures with rejoinder

Annexure RJ1 Copy of the notification issued by the Sports Authority of India

Annexures with Additional reply statement

Annexure R3 Copy of the advertisement published in the internet for walk-in-interview for various posts

Annexures with MA for directions

Annexure MA1 Copy of the order dated 17.10.2018

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