

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No. 60/261/2017

Date of decision: 23.9.2019

...

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).
HON'BLE MR. A.K. BISHNOI, MEMBER (A).**

...

Ramneek Kaur wife of Gurinder Singh, age 31 years, working as Group "C"
i.e. TTI posted under CIT Line, Ludhiana (Punjab)

... APPLICANT

1. Union of India, Ministry of Railways, Rail Bhavan, Raisina Road, New Delhi through its Secretary.
2. General Manager, Northern Railways, Baroda House, New Delhi.
3. The Secretary, Northern Railway, Sports Association, Room No.7G, adjacent to the post office Northern Railway, Head Quarter Office, New Delhi.
4. Divisional Railway Manager, Ferozepur Division, Northern Railway, Ferozepur Punjab).

... RESPONDENTS

PRESENT: Sh. Anil Kumar Sharma, counsel for the applicant.
Sh. Sanjay Goyal, counsel for the respondents.

ORDER (Oral)

...

SANJEEV KAUSHIK, MEMBER (J):-

1. By means of present O.A., the applicant assails order dated 21.11.2016 (Annexure A-6), whereby he has been denied the incentive increment for sports achievement and out of turn promotion.
2. At the very outset, learned counsel for the applicant, submitted that he is not pressing for second relief and that this petition be considered for grant of first relief for grant of incentive increment for sports achievement.

3. Applicant, Ms. Ramneek Kaur, joined the respondent department as TCR in the year 2005 under sports quota. At the time of initial appointment, she was granted 8 increments and her pay was fixed as per clause 8 of the policy dated 31.12.2010 issued by RBE (Annexure A-2(colly)). While in service, the applicant won Gold and Silver medal in the year 2012 and 2013 by playing in Hockey Championship, thus, in terms of Railway Board letter dated 31.12.2010 (Annexure A-2), clause 9.1.1, she is entitled to grant of incentive increments for her achievements in sports. Since claim of the applicant has been rejected vide impugned order on the ground that she has already been granted eight increments at the time of her appointment hence she cannot be granted any other incentive increment. Hence this O.A.
4. Respondents have filed written statement wherein they have submitted that since applicant has already been granted eight additional increments at the time of her appointment while fixing her salary in the pay scale of Rs.3050-4590, and her pay was fixed @3680/- p.m. therefore, her request for grant for additional incentive increments cannot be acceded to.
5. We have heard learned counsel for the parties.
6. Learned counsel for the applicant vehemently argued that the impugned order rejecting claim of the applicant is illegal, arbitrary and against policy issued by the respondents for grant of incentive increments. To substantiate, he submitted that though applicant was granted eight additional increments, in terms clause 8 of policy dated 19.6.2000, on the subject but the grant of incentive increments on achievements during service, is also covered by the said policy and as per that, she is entitled to incentive increments, in terms of clause

9.1.4 and 9.1.7. Thus, he submitted that the impugned order be quashed and direction may be issued to the respondents for grant of benefit. To buttress his plea, he placed reliance on order dated 14.8.2018 passed by this Court in the case of **Amarjit Singh Sandhu vs. UOI & Ors.**, wherein similar plea raised by the respondents had been rejected and applicant therein has been held entitled to incentive increments for sports achievements during service, in terms of clause 9.1.1 and 9.1.7.

7. Sh. Sanjay Goyal, learned counsel for the respondents argued what has been stated in the written statement.
8. We have given our thoughtful consideration to the entire matter.
9. We are of the considered view that this petition has merit and deserves to be accepted. It is not disputed that applicant was granted increments in terms of clause 8 of the policy. During service, applicant played national Hockey championship in the year 2012 where she won Gold Medal and in 2013 she won Silver Medal. Incentive increments are given under Rule 9 of policy dated 31.12.2010, which reads as under:-

"9.1.1 Incentive Increments for Outstanding Sports Achievements: For excellence at International and National Levels, following number of additional increments may be granted to sportsperson by the Railway Administration, after the approval of competent authority:-

9.1.1.1: For excellence in International Championships as mentioned in Para 3 above:

(i) Category-A (Olympic Games): Grant of additional increments for medal winning performance shall be considered on merits, on receipt of results.

(ii). Category-B Championships:

Gold Medal	:	3 increments
Silver Medal	:	2 increments
Bronze Medal	:	1 increment

(iii) Category-C Championship:

Gold Medal	:	2 increments
Silver/Bronze Medal	:	1 increment

9.1.1.2: For excellence in Senior/Youth/Junior National Championships:

- (i) Two increments for Gold medal winning performance.
- (ii) One increment for Silver or Bronze medal winning performance."

9.1.4: Only five incentive increments shall be granted to a Railway servant in entire service career, on sports accounts.

9.1.6: Incentive increments granted to sportsperson would continue to be drawn at the same rate till retirement and these increments will not be counted for any service matters like while pay fixation on promotion, retirements or DA/CCA etc. These increments will be in form of Personal Pay equal to the amount of next increment due at the time of grant of the concession and will remain fixed during the entire service.

9.1.7: The incentive increments to sportsperson as mentioned in Para 9.1.1 above, shall be granted only for the sports achievements after joining the Railways; by representing India in International Championships/meets or India Railways in National/International Championship.

10. In terms of the above stated para of the order, under clause 9.1.4, sports-persons are entitled to grant of additional 5 incentive increments during service on sports count. As per para 9.1.7 thereof, the incentive increment to sports person is mentioned. As per para 9.1.1, additional increments can be granted for sports achievement after approval by the competent authority of the Railway. From above, it is clear that five increments become available to sports person on sports achievements during service career. Admittedly, the applicant played for Railway and won gold and silver medal and thus in terms of clause 9.1.7, she is entitled to grant of incentive increments. This has so been held by the Co-Ordinate Bench of the Tribunal in the case of **Amarjit Singh Sandhu vs. UOI & Ors.** (OA

No.60/148/2017) decided on 14.8.2018, in which one of us (Member (J)) was author.

11. In view of the above discussion, the impugned order qua incentive increments is quashed and set aside and respondents are directed to consider the case of the applicant for grant of incentive increment in terms of policy, as noticed above.
12. The O.A. is allowed in the above terms. No costs.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 23.9.2019.
Place: Chandigarh.

'KR'

