

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.60/262/2017

Date of decision: 23.9.2019

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

...

Joga Singh son of Late Chhaju Ram, aged 39 years, working as Ticket Collector (TCR) Group-C, Posted under TTI/CIT Line Ludhiana, Punjab.

**... APPLICANT
VERSUS**

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)

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SANJEEV KAUSHIK, MEMBER (J):-

1. By means of the present O.A., the applicant assails order dated 21.11.2016 (Annexure A-6), whereby his two claims one for grant of incentive increment and other for out of turn promotion has been declined by the respondents.
2. On the commencement of hearing, learned counsel for the applicant made a statement at the bar that he is not pressing for relief qua grant of out of turn promotion and his claim for grant of

incentive increments for outstanding sports achievement be considered and decided.

3. Broadly, facts are not in dispute.
4. Applicant Sh. Joga Singh initially joined respondent department under Sports Quota in Group D Category as Luggage Porter on 5.9.1997. He was given out of turn promotion as Ticket Collector in Group C vide order dated 14.02.2001. During his service, the applicant has participated on behalf of the Railways in different events details of which has been given at Page-8 of the O.A. where he earned second and sixth positions. On the basis of his achievements in sports, he seeks two claims firstly for grant of out of turn promotion and secondly for incentive increment in terms of Railway Board policy dated 19.6.2000, 20.6.2000 and 31.12.2000 (Annexure A-2 colly). Both the claims have been rejected vide impugned order against which the applicant is before this Court.
5. In support of his claim, learned counsel for the applicant vehemently argued that action of the respondents in rejecting his claim for incentive increments on the plea that he has already been granted 15 additional increments at the time of joining, therefore, he cannot be granted incentive increment, is contrary to the policy. He drew our attention to clause 8 of the policy dated 19.6.2000 and submitted that no doubt in terms of clause 8.1.2 thereof, the applicant has been given 15 additional increment on joining but he submitted that case of the applicant is also squarely covered by clause 9.2 under the head of "Excellence at National Level", which indicates that he can be granted two extra increments for gold medal winning performance during the National Championships and one increment, for silver or bronze medal

winning performance during the National Championships on the basis of recommendation of Railway Sports Promotion Board. He submitted that applicant got second position (silver medal), therefore, he is entitled to grant of one increment. He submitted that since respondents have rejected his claim without considering this aspect of the matter, therefore, impugned order qua that aspect be quashed and matter be remitted back to the respondents to reconsider claim of the applicant in terms of rule 9.2 of the policy.

6. Respondents have filed written statement wherein they have submitted that applicant is not entitled to grant of benefit in terms of instructions dated 31.12.2010 as his achievement is prior in time than the date of notification of the policy.
7. On similar lines, learned counsel for the respondents addressed arguments.
8. We have given our thoughtful consideration to the entire matter and are of the view that this case has merit and deserves to be allowed.

Policy dated 19.6.2000 (Annexure A-2) revised from time to time, under clause 8 under the heading of 'Fixation of Pay-Talent Scouting' provides that on joining, a sports person is entitled to certain additional increments for his achievement in sports. Rule 9.1.1 deals with achievement in service. Rule 9.2 deals with Excellence at National Level, as per clause (ii) of which, one increment if found justified for silver or bronze medal winning performance during the National Championships can be granted by Railways on the advice of Railway Sports Promotion Board. The respondents have not come with any plea that the Board constituted for the purpose has ever considered claim of the applicant for one increment on winning silver

medal in National Championship. Without considering his claim under clause 9.2 (ii) of policy, respondents have rejected his claim, which is contrary to this clause. Therefore, we quash order qua that claim and remit matter back to the respondents to re-appreciate the claim of the applicant in terms of clause 9.2 of the policy by placing it before Railway Sports Promotion Board and then pass a reasoned and speaking order. Let the above exercise be carried out within two months from the date of receipt of a copy of this order. No costs.

(A.K. BISHNOI)
MEMBER (A)

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 23.9.2019.

Place: Chandigarh.

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