

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA-1183/2003

New Delhi this the 12th day of May, 2003.

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)
Hon'ble Sh. S.K. Agrawal, Member(A)

Sh. S.C. Goyal,
2-A, Pocket-F,
Mayur Vihar-II,
New Delhi-91. Applicant

(By Advocate : Sh. P.S. Goindi, learned counsel through
proxy counsel Sh. D.S. Mahendru)

Versus

1. Union of India through
Director General,
Sports Authority of India,
Jawahar Lal Nehru Stadium,
Lodhi Road, New Delhi.
2. The Secretary,
Sports Authority of India,
Jawahar Lal Nehru Stadium,
Lodhi Road, New Delhi. Respondents

ORDER (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Vice-Chairman(J)

Heard Sh. D.S. Mahendru, learned proxy counsel for applicant. He submits that the respondents have illegally not granted promotion to the applicant which has been approved by the D.P.C. i.e. from the post of Grade-I (Coach) to Selection Grade (Coach) in the pay scale of Rs. 12000-16500/- with effect from 1.11.2001. He further submits that the applicant was placed under suspension vide order dated 1.9.2001 (Annexure A-2) which was subsequently revoked by order dated 17/20.7.2002 (Annexure A/5). He has also drawn our attention to Office Order No.177 dated 22.10.2001 (Annexure A/1) which is an order promoting 49 Coaches, which also include certain ad

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hoc promotions. In page-3 of this Office Order, it has been noted that 6 Coaches as approved by D.P.C. for promotion to Grade-I to Selection Grade were ordered to be promoted in the aforesaid pay scale i.e. Rs. 12000-16500/- with effect from the date indicated against their names on occurrence of vacancies. Against the name of the applicant, whose name appears at Serial No.2 in this list in the Discipline of Weightlifting, the effective date is given as 1.11.2001. Learned proxy counsel has contended that even after the applicant was placed under suspension vide order dated 1.9.2001 (Annexure A/2) no chargesheet was issued against him and the suspension order itself was revoked in July 2002. In the circumstances, he has prayed that the effective date of the promotion of the applicant to the Selection Grade in the pay scale of Rs. 12000-16500/- should be granted to him with effect from 1.11.2001 i.e. the date when the D.P.C. had recommended his promotion to the higher grade. He has relied on a judgement of the Jodhpur Bench of the Tribunal in the case of **D.C. Jain and another Vs. Union of India and others** (OA No.103/2001), extract of which is given in Swamysnews of February, 2002 page 86 (Annexure A/1). The judgement of the Hon'ble Supreme Court in **Union of India Vs. K.V. Jankiraman** (AIR 1991 SC 2010) ^{which} _{also b/} should be considered by the respondents.

2. The applicant states that he has submitted a representation dated 13.9.2002 (Annexure A/6) requesting the respondents to grant the consequential benefits of promotion with effect from 1.11.2001 which we are informed has not been done till date. Hence this OA.

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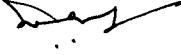
3. In the facts and circumstances of the case, noting also the fact that the respondents themselves have, after holding the D.P.C. recommended the promotion of applicant in the pay scale of Rs. 12000-16500/- effective from 1.11.2001, we consider that it would be appropriate to direct the respondents to dispose of the aforesaid representation of the applicant in accordance with the relevant law and Rules. We note the submissions of the learned proxy counsel for applicant, who has been instructed by the applicant who is present in Court, that a representation to grant consequential benefits on revocation of his suspension by order dated 20.7.2002 has not been disposed of by the respondents till date. If these facts are correct, we consider that in the interest of justice even without issuing notice to the respondents at this stage, it will be appropriate to dispose of the OA with the following directions:-

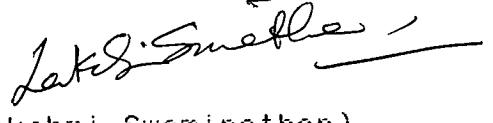
The respondents shall consider the applicant's representation dated 13.9.2002 (Annexure A/6) and treat this OA also as part of the representation and dispose of the same by a reasoned and speaking order in accordance with law and Rules within two months from the date of receipt of a copy of this order, under intimation to the applicant.

Yours

4. Let a copy of the OA be sent to the respondents alongwith this order for necessary action as above.

5. OA is disposed of in limine.


(S.K. Agrawal)
Member(A)


(Smt. Lakshmi Swaminathan)
Vice-Chairman(J)

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