

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10072 OF 2011

DATED : 09.09.2016

Between :

G. Alexander Francis,
S/o.Late R. Francis, aged 45 yrs,
Working as Hand Ball Coach,
District Sports Authority, Gymkhana,
Secunderabad.

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Petitioner

And

Government of Andhra Pradesh,
Rep., by its Principal Secretary,
Tourism, Culture and Sports Department
At Secretariat, Hyderabad & another.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.10072 of 2011

ORDER :

This writ petition is filed praying to grant the following relief :

“To declare the action of respondents in not extending the regular time scale of pay to the petitioner as is being extended to all the similarly placed Gr.III Coaches, pursuant to the proceedings dt.18.2.2009 in Memo No.1602/S2/2002 on the file of the first respondent and the proceedings dt.19.1.2009 in Memo No.SAAP/A2/2171/1999 on the file of 2nd respondent as illegal, arbitrary and discriminatory and consequently to direct the respondents to forthwith extend time scale of pay to the petitioner from the year 2009.”

2. Heard Sri K.Raghuveer Reddy, learned counsel for the petitioner and Sri Pochaiah Dorishetti, learned Standing counsel for Sports Authority of Telangana State.

3.1. Learned counsel for the petitioner submits that in pursuant to the recruitment notification and after following the due procedure, petitioner was selected to be appointed as Coach in Handball. However, the order of appointment dated 07.09.1993 prescribes appointment as one of contract valid for a period of one year and extendable. The contract stands extended from time to time and petitioner continued to discharge the duties as a Coach.

3.2. According to learned counsel for the petitioner earlier petitioner along with others filed W.P.No.3553 of 2002 praying for a direction to regularize their services as Coaches. This Court directed consideration of the claim of the petitioner and others for regularization. However, Government only revised the remuneration payable to the Coaches and extended the scale of

pay as applicable to Grade-III Coach. Such decision was taken in the year 2009 and the same was extended to other coaches but the said benefit was not granted to the petitioner. He would submit that petitioner stands on par with all other coaches and there was no justification to deny the benefit of scale of pay applicable to Grade-III coach as extended to other coaches. He would submit that petitioner obtained Bachelors Degree in the year 2013 and after the degree was obtained by him, the Grade-III coach pay is extended to him with effect from July 2013. He submits that the petitioner is entitled to the pay applicable to Grade-III coach on par with other coaches from February, 2009.

3.3. He further submits that the petitioner was denied the pay on par with other coaches on the ground that according to Rule 12 of A.P.Sports Authority Rules, 1993 (for short 'the Rules'), Graduation is mandatory for a person to be appointed as Grade-III Coach and since petitioner did not have Graduation till the year 2013 he was not entitled. He would further submit that this objection was illegal. According to the first Proviso appended to Rule 12 (1) of the Rules, exemption from possessing the qualification is granted to a sports person who is recognized as an outstanding sports person at National level or International level or he is an Arjuna Awardee. Petitioner plays hand ball sport and at National level he won gold medal. Therefore, he is entitled to avail exemption provided and thus, the rejection was not valid.

4. Learned standing counsel submits that as petitioner did not possess the graduation, he is not entitled to claim the scale of Grade-III coach and therefore, there was no illegality in not

granting the pay and the pay as sought by the petitioner was granted after he obtained the degree.

5. Rule 12 (1) of the Rules prescribe qualifications to be appointed as Grade –III Coach. At the time when petitioner was appointed and till the year 2013 petitioner did not possess graduation. However, the first proviso appended to Rule 12 (1) enables relaxation of qualification, if a person is an outstanding sportsman. Thus, the first proviso would come to the rescue of the petitioner.

6. There are no guidelines prescribed in the Rules to recognize a person as an outstanding sportsman. Learned counsel for the petitioner vehemently contends that a person who secures a gold medal at the National level has to be treated as an outstanding sports person.

7. In the absence of prescribed parameters for holding a person as an outstanding sportsman, no declaration as sought for can be given.

8. At this stage, learned counsel for the petitioner submits that petitioner has submitted representation on 19.04.2010 claiming himself as an outstanding sports person seeking application of scales from February 2009.

9. Having regard to the above, the writ petition is disposed of directing the 2nd respondent to consider the representation of the petitioner dated 19.04.2010, and if the gold medal secured by the petitioner at National level in 'hand ball sport' makes him called as "Outstanding Sports Person", by applying the exemption, he be granted the benefit as extended to all other coaches similarly

situated to him, from the date on which such benefit was extended to them. The entire exercise shall be completed within a period of eight (8) weeks from the date of receipt of copy of this order.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

9th September, 2016
Rds

P.NAVEEN RAO,J

