



2025:DHC:9426-DB



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 26.09.2025
Pronounced on: 29.10.2025

+ **W.P.(C) 10896/2024 & CM APPL. 44919/2024**

UNION OF INDIA

.....Petitioner

Through: Mr. Siddhartha Shankar Ray,
CGSC with Ms. Khushi
Ramuka, Adv.

versus

AJAY KUMAR

.....Respondent

Through: Mr. R. K. Mirg, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

J U D G M E N T

MADHU JAIN, J.

1. The present petition has been filed challenging the Order dated 30.11.2023 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the 'Tribunal') in O.A. No. 2650/2015, titled *Ajay Kumar v. Union Of India & Anr.*,



2025:DHC:9426-DB



whereby, the learned Tribunal allowed the O.A. filed by the respondent herein, and issued the following directions:

*“6.1. In view of the above, (a) the impugned order dated 5.06.2015 by the respondents rejecting the claim of the applicant for granting additional increments is quashed, (b) the respondents are directed to grant one additional increment to the applicant with effect from 1.04.2007 and one more additional increment with effect from 1.07.2007; and (c) the respondents shall pay the arrears as a result of granting such additional increments.
6.2. The above exercise as mentioned in 6.1 shall be completed within a period of six weeks from receipt of certified copy of this order.
6.3. The OA is disposed of in the above terms.
No order as co costs.”*

BRIEF FACTS

2. The brief facts that pertain to the present petition are that the respondent is a sports person who has represented India in international competitions and won medals at both national and international levels.

3. The respondent was recruited in the year 2005 as an Office Clerk in Group ‘C’ in the Ambala Division of the Northern Railways against the quota reserved for Talent Scouting for sportspersons under the Policy dated 19.06.2000, titled “Revised Instruction for recruitment of sportspersons - sports quota, sports norms, and Incentives” (hereinafter referred to as the ‘2000 policy’). The respondent was recruited with effect from 19.10.2005 at the pay-scale of Rs. 3050-4590



2025:DHC:9426-DB



and his pay was fixed at Rs. 4350, with 17 advance increments awarded to him at the time of the recruitment.

4. On 18.03.2007, the respondent won Silver Medal in 53rd Senior National Boxing Championship held at Hyderabad. Subsequently, on 04.06.2007, he represented India in Asian Boxing Championship for Men in Mongolia and won Bronze Medal.

5. In the meantime, the petitioner Railways had issued Policy No. E(Sports)/2007/Policy/3 dated 30.03.2007, titled “the Instructions for Recruitment of Sportspersons on Indian Railways - Norms, Sports Quota, Procedure, Incentives, etc.” (hereinafter referred to as the ‘2007 Policy’), which came into force on 01.04.2007. Under this policy, sportspersons recruited by the railways were eligible for grant of additional increments for excellence in National and International Championships as stipulated in the policy in Para 9.1 and Para 9.2 thereof, which are reproduced here under:

“9. Incentives:

9.1. Incentives to sportspersons for excellence in International Championships:

For Excellence in International Championships (mentioned under Para 3) following number of additional increments may be granted by the Railways on the advice of Railway Board:-

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

9.1.2 Category-B (Championships as mentioned. under Para 3) :

Gold Medal: 3 increments



2025:DHC:9426-DB



Silver Medal: 2 increments

Bronze Medal: 1 increments

9.1.3 *Category-C (Championships as mentioned under Para 3):*

Gold Medal: 2 increments

Silver/Bronze Medal: 1 increment

9.1.4 *In case sportsperson winning more than one medal in the same championship not more than five increments shall be given.*

9.1.5 *These increments will, however, be in addition to those, if any, granted for the performance in National Championships.*

9.1.6 *These increments shall take effect from the first day of the month following the concluding day of the championship.*

9.2 Incentives to sportspersons for excellence at National Level:

Following number of additional increments may be granted by the Railways, on the advice of Railway Board, for medal winning performance in National Championships.

9.2.1 *Two increments for Gold medal winning performance.*

9.2.2 *One increment, if found justified for silver or bronze medal winning performance.*

9.2.3 *These increments shall take effect from the first day of the month following the concluding day of the Championship.*

9.2.4 *These increments shall be in addition to those, if any, granted on the performance in International Championships.”*

6. The 2007 Policy was subsequently revised and superseded *vide* Policy No. 2010/E(Sports)/4(1)/I(Policy) dated 31.12.2010 (hereinafter referred to as the ‘2010 Policy’). The 2010 Policy, under Para 9.1.4, expressly stipulated that only five additional increments



2025:DHC:9426-DB



can be granted to a railway servant in his entire service career on sports count. The same is reproduced herein below:

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

7. The petitioner contends that the respondent failed to apprise the petitioner of his achievement and did not produce the respective certificates when the 2007 Policy was in operation; it was only after delay of nearly eight years, on 19.06.2014, that the respondent submitted a formal representation, along with the respective certificates, seeking two additional increments with effect from 2007; however, by that time the 2007 Policy had been superseded by the 2010 Policy, which imposed a ceiling on the number of additional increments a sportsperson can claim in his career with the petitioner. Accordingly, the petitioner rejected the request of the respondent *vide* order dated 05.06.2015, relying on the provisions of the 2010 policy.

8. The respondent, however, contends that the delay in submitting his representation was neither deliberate nor negligent. He had been preoccupied with training and participating in various tournaments/championships, and was later on Extra Ordinary Leave to attend his ailing father; owing to these circumstances, he could not pursue with the petitioner to grant him additional increments. Subsequently, he made verbal requests to the concerned authorities to grant him additional increments as per extant policy. He made a



2025:DHC:9426-DB



formal request to the petitioner on 19.06.2014, seeking two additional increments with effect from 2007. He subsequently submitted reminder representations on 30.12.2014, 13.05.2015, and 28.05.2015. The petitioner, *vide* letter dated 05.06.2015, rejected the respondent request for granting two additional increments, citing the 2010 Policy of the Railway Board.

9. Aggrieved thereby, the respondent filed the said O.A. before the learned Tribunal.

10. The learned Tribunal, by the Impugned Order dated 30.11.2023, allowed the said O.A. and directed the petitioner to grant the respondent two additional increments with arrears, as noted above.

11. Aggrieved by the Impugned Order, the petitioner has filed the present petition.

SUBMISSIONS ON THE BEHALF OF THE PETITIONER

12. The learned counsel appearing for the petitioner submits that the learned Tribunal has erred in applying the 2007 Policy to the case at hand, overlooking the fact that by virtue of the 2010 Policy, issued on 31.12.2010, all previous instructions, clarifications, and corrigenda on the subject stood superseded. Therefore, the learned Tribunal could not have relied upon the superseded 2007 Policy for adjudicating a dispute which fell within the ambit of the 2010 Policy.



2025:DHC:9426-DB



13. The learned counsel further submitted that the learned Tribunal erred in holding that since the respondent had won his medals in 2007, the 2007 Policy would apply. The respondent sought the benefit of additional increments only on 19.06.2014, almost eight years after the medals were won, at a time when the 2010 Policy was already in operation. The determination of the respondent claim, therefore, necessarily had to be in accordance with the 2010 Policy, and not the 2007 Policy.

14. The learned counsel for petitioner further placed reliance on Para 9.1.4 of the 2010 Policy, which prescribes a ceiling of five additional increments in the entire service career of a railway servant under the sports quota. The learned counsel pointed out that the respondent had already been granted 17 advance increments at the time of his recruitment in 2005. In such circumstances, no further increments were admissible, and the rejection of his representation by communication dated 05.06.2015, was entirely in consonance with the prevailing policy framework.

15. The learned counsel further contended that even under the 2007 Policy, the respondent could not have claimed entitlement to additional increments. It was highlighted that the Silver Medal in the Senior National Boxing Championship was won on 18.03.2007, prior to the coming into force of the 2007 Policy on 30.03.2007. Therefore, no benefit under the said policy could have been extended to the respondent for that medal.



2025:DHC:9426-DB



16. The learned counsel further argued that the learned Tribunal, while observing that the policies cannot be applied retrospectively, contradicted itself by extending the benefit of the 2007 Policy retrospectively to the respondent. The petitioner also contend that even under Clauses 9.1 and 9.2 of the 2007 Policy, the grant of increments is not automatic but is contingent upon the advice of the Railway Board and the exercise of administrative discretion. Clause 9.2.2, for instance, makes it explicit that a Silver or Bronze Medal at the National level entitles a sportsperson to an increment only “if found justified.” Thus, the respondent, by merely winning the medals, did not acquire a vested right to increments.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

17. The learned counsel appearing for the respondent submitted that the respondent was recruited in the year 2005 as an Office Clerk under the Talent Scouting Scheme of the petitioner, and had been extended 17 advance increments at the time of recruitment. It is, however, urged that the respondent continued to participate in sporting events at the behest of the petitioner and, in that process, secured various accolade. It is the case of the respondent that for these medal-winning performances, under the extant instructions of the petitioner, he became entitled to one additional increment each. It was further submitted that other sportspersons who participated in the



2025:DHC:9426-DB



same tournaments were extended such increments, but the respondent was arbitrarily denied similar treatment.

18. The learned counsel for the respondent submitted that the respondent repeatedly approached the officials concerned at Ambala, both verbally and through RTI applications, before ultimately making a written representation dated 19.06.2014. The delay in making a formal representation, it is contended, cannot prejudice his claim, particularly when the petitioner themselves were fully aware of his medal wins, and the entitlement flowed automatically from the relevant policy in force at the material time.

19. The learned counsel for the respondent submitted that the medal won on 18.03.2007 ought to have been considered under the Policy No. E(Sports)/2006/Policy/1 dated 20.06.2006 (hereinafter referred to as the '2006 Policy'), which was in operation at that time. The medal won on 04.06.2007, being after 01.04.2007, fell within the ambit of the 2007 Policy. Both these policies, it was submitted, contained *pari materia* provisions providing for the grant of incentive increments for medal-winning performances, and therefore the respondent's entitlement stood established.

20. The learned counsel further argued that the rejection of the respondent representation by the communication dated 05.06.2015, on the basis of the 2010 Policy, was arbitrary as the said policy came into effect only on 31.12.2010 and had no application to achievements which occurred earlier in 2007. By applying the 2010



2025:DHC:9426-DB



Policy, the petitioner, in effect, denied to the respondent the legitimate benefits flowing from the 2006 and 2007 Policies, which were the governing instructions at the relevant time.

21. The learned counsel for the respondent also pointed out that the learned Tribunal, while granting relief, has correctly noticed that the petitioner had extended increments to other sportspersons in similar circumstances, and that the refusal to grant the same benefit to the respondent amounted to discriminatory treatment.

22. The learned counsel further argued that insofar as the application of the 2007 Policy to the Silver Medal won on 18.03.2007 is concerned, it is urged that even if the 2006 Policy were to be applied, the result would be the same, inasmuch as both the policies contained substantially similar provisions for the grant of increments for medal-winning performances. The extension of benefit under the 2007 Policy by the learned Tribunal, therefore, causes no prejudice to the petitioner.

ANALYSIS AND FINDINGS

23. We have considered the submissions made by the respective learned counsels and perused the record.

24. The controversy in the present matter is whether the respondent claim for two incentive increments for his medal-winning performances in 2007 is to be examined under the policy instructions



2025:DHC:9426-DB



prevailing at the time of the achievements that is the 2006/2007 Policies, or under the consolidated instructions issued on 31.12.2010, that is, the 2010 Policy, and whether the petitioner were justified in rejecting the claim on 05.06.2015 by invoking the 2010 Policy.

25. The primary submission made by the learned counsel on the behalf of the petitioner is that by the virtue of Para 1 of the 2010 Policy, all earlier instructions stood superseded and, therefore, when the respondent made his representation on 19.06.2014, the claim had to be tested only under the 2010 Policy. We are unable to agree with this submission. The Para 1 of the 2010 Policy reads as under:

“1. It has been decided by the Railway Board that in supersession to all earlier instructions/ clarifications/ corrigendum on the above mentioned subject, the following revised instructions shall be applicable in all Zonal Railways and Units for recruitment of sportspersons, their sports quota and incentives and out-of-turn promotions to Railway servants for their outstanding sports achievements in the field of sports, from the date of issue of this letter.”

26. From the reading of the above Para, it can be deduced that undoubtedly the 2010 Policy consolidates and supersedes earlier instructions, however, only prospectively and not retrospectively. The rights that had already accrued on the occurrence of qualifying



2025:DHC:9426-DB



achievements prior to 31.12.2010, shall be continued to be governed by the earlier Policies.

27. In the present case, the respondent's entitlement crystallized on the dates of his medal-winning performances in 2007. The administrative act of processing or granting the increment could follow later, but the source and measure of the entitlement remain those policies which governed on the dates of the achievements.

28. Once the above principle is kept in view, the legal position becomes straightforward, the 18.03.2007 Silver at the Senior Nationals is governed by the 2006 instructions (*pari materia* to Para 9.2.2 of the 2007 Policy), and the 04.06.2007 Bronze at the Asian Championship is governed by Para 9.1 of the 2007 Policy (effective 30.03.2007). The learned Tribunal has, therefore, proceeded by applying the 2007 Policy to both medals and directed the grant of one increment with effect from 01.04.2007 and one increment with effect from 01.07.2007.

29. Moreover, even if, the first medal was to be examined under the 2006 instructions, the result would still be the same, as the respondent would still be entitled to one incentive increment for a Silver at the Senior National Championship.

30. The reliance placed by the learned counsel for the petitioner on the expression "may be granted on the advice of Railway Board" in Paras 9.1 and 9.2 of the 2007 Policy to contend that the grant of such increment is purely discretionary cannot aid the petitioner in the facts



2025:DHC:9426-DB



of this case. Administrative discretion is not unfettered; it must be exercised reasonably and non-arbitrarily, having regard to the policy's objective. The respondent has specifically asserted, that similarly placed sportspersons were extended incentive increments, while his case remained pending and was ultimately declined on a policy ground. In such circumstances, a bare invocation of 'discretion' is insufficient to sustain the rejection.

31. As regarding the contention of plea of delay raised by the learned counsel for the petitioner, the respondent having made a formal written request only on 19.06.2014, also does not defeat the claim of the petitioner as, firstly, the petitioner were themselves aware of the respondent participation and medal-winning performances, indeed, these were at the behest of the petitioner, secondly, the Policies do not prescribe any limitation period for moving a representation, and thirdly, mere administrative delay in asserting a claim cannot be used to deny a substantive right.

32. For the above reasons, we find no infirmity in the Impugned Order passed by the learned Tribunal. The rejection order dated 05.06.2015 was rested on the misapplication of the 2010 Policy to the achievements of 2007 and on an erroneous understanding of the 2010 ceiling clause. The Tribunal has, therefore, rightly set it aside and directed grant of one incentive increment with effect from 01.04.2007, and one incentive increment with the effect from 01.07.2007, together with consequential arrears.



2025:DHC:9426-DB



33. Before parting with the matter, this Court cannot remain oblivious to the manner in which the respondent, a sportsperson who has brought recognition and honour to the country, has been made to run from pillar to post for what was legitimately due to him. Rather than acknowledging and rewarding his achievements, the petitioner chose to entangle him in protracted litigation spanning years, first before the learned Tribunal and now before this Court. This approach reflects a regrettable insensitivity towards employees who have contributed to the institution and the Nation's prestige through sporting excellence. The conduct of the petitioner in compelling the respondent to seek judicial intervention for benefits that are matter of his rightful entitlement is both arbitrary and unreasonable. Such treatment of sportspersons, who serve as ambassadors of national institutions, undermines the very objective behind the schemes meant to foster sports and morale within public service. This Court expresses its strong disapproval of this practice and expects the petitioner authorities to hereafter act with fairness and respect towards their own employees who bring medals to the organization, rather than forcing them into unnecessary litigation for recognition they have already earned.

34. Accordingly, the petition is dismissed. The Impugned Order passed by the learned Tribunal is upheld. The petitioner shall comply with the directions contained therein within six weeks from today.



2025:DHC:9426-DB



35. The petitioner shall also pay costs of Rs. 20,000 to the respondent within four weeks of the date of this Judgment.

MADHU JAIN, J.

NAVIN CHAWLA, J.

OCTOBER 29, 2025/P/VS