

**Central Administrative Tribunal
Principal Bench**

OA No.1933/2020

(through video conferencing)



New Delhi, this the 26th day of November, 2020

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. A. K. Bishnoi, Member (A)

Shri Hemendra Singh
Aged about 52 years,
S/o Shri Charan Singh Chaudhary
R/o A-494, Siddharth Nagar,
Near Jawahar Circle,
Jaipur
Presently working as Manager (Tech),
PIU, NHAI, Hanumangarh.

.... Applicant.

(By Advocate : Shri S. K. Gupta)

Vs.

National Highways Authority of India
Through its Chairman
G-5&6, Sector-10,
Dwarka, New Delhi.

... Respondent.

(By Advocate : Shri Naresh Kaushik)

: O R D E R (ORAL) :**Justice L. Narasimha Reddy, Chairman :**

The applicant came on deputation to the National Highways Authority of India (NHAI) in the post of Manager, from a different service. Thereafter he was absorbed in the NHAI. Their next promotion is to the post of Deputy General Manager (TCH). Certain length of experience in the post of Manager is the criterion of eligibility. A notification was issued in that behalf and the applicant also responded, and when he was not considered, he made a representation ON 22.05.2017 and that, in turn was rejected through order dated 29.09.2020.

2. The applicant contends that the impugned order is cryptic and bereft of reasons and the respondents did not take into account the judgement rendered by this Tribunal in OA.3315/2019 dated 03.09.2020.

3. We heard Shri S. K. Gupta, learned counsel for the applicant and Shri Naresh Kaushik, learned counsel for the respondents at the stage of admission.

4. In OA No.3315/2019, it was held that the service rendered by an employee on deputation basis shall also be counted towards the experience, once he is absorbed in that organization. The applicant contends that if his deputation service as Manager is counted, he becomes eligible, but the

respondents have not taken it into account. The order passed by the respondents on the representation submitted by the applicant reads as under:-



"I am directed to refer to your letter dated 09.08.2019 on the above mentioned subject and to say that your representation, along with similarly placed Shri B. M. Sharma, Manager (Tech) and Shri Hemendra Singh, Manager (T) has been examined and has not been acceded to.

2. This issues with the approval of the Competent Authority."

5. Hardly any reason was mentioned, much less reference was made to the decision in the case of another employee that took place earlier. Such an order cannot be sustained in law.

6. We, therefore, dispose of the OA directing the respondents to pass a fresh reasoned order duly taking into account the order dated 03.09.2020 passed in OA No.3315/2019 within four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/jyoti/ns/sd