



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No. 2021/2020

Friday, this the 11th day of December, 2020

Through video conferencing

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

B.M. Sharma
S/o Late Dr. S.S. Sharma
Aged about 55 years
R/o Flat No.112, Vidyasagar Apartment
(Rajat Jain CGHS Limited)
Plot No.34, Sector-6, Dwarka
New Delhi-75
Presently posted as Manager (T)
National Highway Authority of India
Sector-10, Dwarka, New Delhi-75.

.. Applicant

(Through Mr. Ranjit Sharma, Advocate)

Versus

1. Union of India
Through the Secretary
Ministry of Road Transport & Highways
Parliament Street, Transport Bhawan
New Delhi-02.
2. National Highways Authority of India
Through the Chairman
Sector-10, Dwarka, New Delhi-75.

.. Respondents

(Through Mr. Ashish Rai, Advocate for respondent No.1 and
Mr. Yogesh Pachauri, Advocate for respondent No.2)

ORDER (ORAL)**Mr. Justice L. Narasimha Reddy:**

The applicant came on deputation to the National Highways Authority of India (NHAI), as Manager. A notification was issued on 22.05.2017 proposing to promote the Managers to the post of Deputy General Manager (DGM) and the consideration is confined to internal candidates. The last date for submission of application was 02.06.2017. Since the applicant was not absorbed by that time, the respondents treated him as ineligible. The applicant contends that though several others, including the one Mr. Sanjay Channa, were declared as unfit, at the subsequent stage, i.e., on 26.09.2017, Mr. Sanjay Channa was promoted, whereas similar benefit was denied to him. The applicant made a representation in this regard, and the respondents rejected the same, through order dated 29.09.2020. This O.A. is filed challenging the rejection order dated 29.09.2020.

2. The applicant contends that once the respondents have promoted the Managers, who were not absorbed by 02.06.2017, the similar treatment ought to have been accorded to him also.

3. Earlier, we issued notice to the respondents and Mr. Yogesh Pachauri, learned counsel took notice on behalf of respondent No.2. Today, he obtained instructions and argued the matter at length.





4. We heard Mr. Ranjit Sharma, learned counsel for applicant, Mr. Ashish Rai, learned counsel for respondent No.1 and Mr. Yogesh Pachauri, learned counsel for respondent No.2, through video conferencing.

5. The issue is very simple. The process to promote the Managers to the post of DGM was commenced by issuing a notification dated 22.05.2017. The consideration was confined to the internal candidates. The applicant, no doubt, was working as Manager by that time. However, it was on deputation and he was not absorbed. The respondents have published a list of promoted candidates to the post of DGM as well as the Managers, who are found not eligible. The names of the applicant as well as Mr. Sanjay Channa figured in that.

6. The respondents permitted the Managers, who were declared ineligible, to submit representations. The applicant and several others made representations. It so happened that Mr. Sanjay Channa was absorbed in August, 2017, whereas the applicant was continued on deputation. On 26.09.2017, an order was issued promoting Mr. Sanjay Channa and others to the post of DGM. The applicant was, absorbed only on 21.02.2018. It is not even pointed out that any Manager, who was not absorbed but was continued only on deputation, was promoted to the post of DGM.



7. We, therefore, dispose of the O.A. directing the respondents that in case any promotion took place after 21.02.2018 and if the applicant was not considered for that, the respondents shall indicate the reasons. If on the other hand the promotion was wrongfully denied to him, the necessary corrective steps shall be taken. There shall be no order as to costs.

(A. K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

December 11, 2020
/sunil/jyoti/sd