

**Central Administrative Tribunal
Principal Bench, New Delhi**



**OA No.474/2021
MA No.0593/2021**

This the 3rd of March, 2021

(Through Video Conferencing)

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

1. Gaurang Deoghare
S/o Sh. Sanjay Deoghare aged 30,
Group A Posted as EE, r/o 24,
Samarth Nagari,
Sonegaon, Nagpur.
2. Nitin Sharma
S/o Sh. Subhash Sharma, aged years 32,
Group A posted as EE r/o 132A, V.P Block
Pitampura, New Delhi.
3. Aashish Garg
S/o Sh. Chaman Lal, aged 29 years,
Group A posted as EE r/o near SBOP,
Ward No.7 VPO Handiaya Dist.Barnala,
Punjab.
4. Himanshu Gupta
S/o Sh. Gopal Gupta, aged 28 years
Group A posted as EE r/o 805/11,
Phool Bagh Colony,
Meerut, UP-250002.
5. Siddhant Singhai
S/o Dr. Shriyansh Kumar Singhai, aged 31
Group A posted as EE r/o 5/47,
Malviya Nagar, Jaipur, 302017.
6. Karthik Reddy Arekuti
S/o Sh. A. Siva Reddy, aged 30 years
Group A posted as Ee r/o B-102,
Gowtham Toweres,
Tadepalli, Guntr, AP.
7. Amit Chaubey
S/o Sh. Shiv Kumar Chaubey, aged 31
Group A posted as EE r/o Udo Chhapra,
Bhujauli Buzurg, Khushinagar, UP.



8. Swapnil Kasar
S/o Sh. Rajeshwar Kasar, aged 29 years
Group A posted as EE r/o LIG 43, Housing Board Colony, Betul Ganj, Betul, M.P.
9. Ankush Mehta
S/o Sh. Suresh Kumar Mehta,
aged 31 years
Group A posted as EE, r/o 149, DD Colony,
Kurushetra, Haryana.
10. Saurabh Chaurasiya
S/o Sh. Ramesh Prasad Chaurasiya,
aged 31
Posted Group A EE r/o Alkapuri Ratu Road
Ranchi, Opposite Gayatri Temple, Ranchi,
Jharkhand-834001.
11. Rupesh Kumar
S/o Sh. Binda Prasad, aged 34 years
Group-A posted as EE r/o Bagahi,
Village, Thari, Runni, Saidpur, Sitamari,
Bihar.
12. Ashok Kumar Rolaniya
S/o Sh. Arjun Lal, aged 31 years
Group A posted as EE r/o Vill Garhrakhet,
The Shrimadopur, Dst. Sikar Raj.
13. Sachin Kumar Gautam,
S/o Sh. Navlesh Kumar Sharma,
aged 30 years
Group A posted as EE, r/o Khargar, Navi Mumbai.
14. M.K.R. Kiran
S/o Sh. J. Jagan Mohan Rao, aged 37 years
Group A posted as EE NFSG
r/o 8-18, Kothuru,
Tadepalli, Vijaywada, Rural Mandal, A.P.
15. Ghanshyam Kumar
S/o Late Sh. Krishna Prasad, aged 41 years
Group A posted Executive Engineer (NFSG)
c/o Mohan Murari, Street,
Behind Tara, Tower,
Kautilya Nagar, Professor Colony, Patna.
16. Harikrishna G.
S/o Late Sh. G. Sridhara Rao,



aged 47 years
 Group A posted as Manager
 r/o 19-11, Yarjakalapela,
 Ponduru, Srikakulam, Andra Pradesh.

17. Govindsamy K
 S/o Sh. Karidvelu A, aged 32 years
 Group A posted as Executive Engineer (NFSG)
 r/o Sri Priyapalayathanman, Dasasthanam,
 Nethaji, Nagar-3, Arapani Avvai Street, Uppalam,
 Pondichery.
18. Rohit Singh
 S/o Sh. G.R. Singh, aged 35 years
 Group A posted as Executive Engineer (NFSG)
 r/o Budhi Vihar Colony, Majhola, Moradabad.
19. Pravin Bijewar
 S/o Sh. Ramkrishna Bijewar, aged 25 years
 Group A posted as Assistant Executive Engineer
 R/o 1054, Main Road, Sihara,
 Dist. Bhandara Maharashtra.
20. Prashant Kumar Meena
 S/o Sh. Om Prakash Meena, aged 25 years
 Group A posted as AEE r/o Village post Jog,
 Jeevanpur, The West Dist. Bhartpur.
21. Vaibhav Goyal
 S/o Sh. Yogendra Goyal, aged 25 years
 Group A posted as AEE r/o Santoshi Ward,
 Jagdalpura, Dist. Bastar, Chattisgarh.
22. Jaivardhan Singh
 S/o Sh. Ram Singh, aged 27 years
 Group A posted as AEE r/o 12, Vill.
 Nizam Nagla, PO Sarkara Kamal,
 Dist. Amroha, U.P.
23. Anupam Kurele
 S/o Sh. Shankar Lal Kurele, aged 28 years
 Group A posted as AEE r/o 24, Phase-1,
 Arihant Vihar, Vidisha-464001.
24. Achal Jindal
 S/o Sh. Sajjan Jindal, aged 25 years
 Group A posted as AEE r/o 111, Jaina
 Apartment Sector 13, Rohini,
 New Delhi-110085.
25. Pranshu Agarwal
 S/o Sh. Luxmi Chandra Agrawal, 25 years



Group A posted as AEE r/o Sanwaldas
Chowk Bazar Nagibabad.

26. Rakesh Kumar Yadav
S/o Late Sh. Shaitan Mal Yadav,
aged 26 years
Group A posted as AEE
r/o Gangu Patel Ki Dhani,
VPD Niwana, The Chomu, Jaipur, Raj.
27. Arjun Saini
S/o Sh. Rajendra Prasad, aged 25 years
Group A posted as AEE r/o Village Newari,
The Udaipurwati, Dist. Jhunjhunu (Raj.).
28. Nitin Kumar Gupta
S/o Sh. Onkar Prasad, aged 29 years
Group A posted as AEE r/o Sambalpur,
Odisha, h.No. 274, Vill. Pandararai,
Dist. Kabirdham (C.G.)491559.
29. Puneet Kumar
S/o Sh. Kamlesh Kumar, aged 26 years
Group A posted as AEE r/o Vill. Bauriya,
Post Bel Lakhempur, Kheri U.P.
30. Devendra Kumar Bansal
S/o Sh. Suresh Chand Bansal,
aged 27 years
Group A posted as AEE, r/o G-41,
Mayur Vihar, Alwar, Rajasthan.

(through Sh. Rishi Jain, Advocate)

Versus

1. Union of India through
Its Secretary,
Ministry of Road Transport & Highways,
Transport Bhawan, New Delhi.
2. National Highways Authority of India
Through its Chairman,
G 5&6, Sector 10, Dwarka,
New Delhi. - Respondents

(through Sh. C. Bheemanna, Advocate)

ORDER (Oral)**Justice L. Narasimha Reddy:****MA No. 593/2021**

This MA is filed with a prayer to allow the applicants for joining together in a single Application. For the reasons mentioned in the MA, the same is allowed.

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2. The applicants are officers of the Central Engineering Service (Roads) [CEC(Roads)], an organized Group 'A' service of Government of India under the Ministry of Road Transport and Highways. At present, they are on deputation to the National Highway Authority of India (NHAI) in the post of Manager (Technical). The next promotion is to the post of Deputy General Manager (Technical). The appointment to that post in the NHAI is either by promotion from the post of Member (Technical) or on deputation from various other services. The deputation is only from the officers of the Central Government or State Governments or Public Sector Undertakings, with certain length of service. The Recruitment Rules were amended in the year 2020 for that post and published vide notification dated 11.02.2020. In the context of deputation, certain other categories of employees were also made eligible. The



applicants filed this OA, challenging the Condition No.(iii), whereunder the officers with nine years' service in the Grade, rendered after appointment thereto on regular basis in the Pay Level 10 in Pay Matrix (Rs.56100-177500)(in CDA pattern) or equivalent in the IDA pattern in the parent cadre/department are made eligible.

3. The applicants contend that such a clause would pave the way for officers, connected with the Engineering Departments but not connected with the Government services, to become eligible to be taken on deputation, and the same would result in a situation where they have to work under the officers who are otherwise inferior to them. It is stated that the pattern incorporated in the recruitment rules is contrary to the OM issued by the Government from time to time.

4. We heard Mr. Rishi Jain, learned counsel for the applicants and Mr. C. Bheemanna, learned counsel for the respondents at the stage of admission.

5. As of now, the applicants are only on deputation to NHAI and they are not the permanent employees of that organization. As the things stand now, they would be repatriated to their parent organization on expiry of the period of deputation. It is for the NHAI to organize its affairs. As and when the situation demands, necessary



amendments are required to be made in the establishments. There is phenomenal development in the activity of providing infrastructure, particularly in the road connectivity. The effort of the NHAI seems to be, to avail the service of the experts, even if they are hailing from the other departments, not purely connected with the Road and Highways. The source of appointment to the various cadres of NHAI is very wide and depending upon the projects they undertake, they have to avail the services of experts and retired persons. The applicants cannot take any exception to it. If any situation arises to their detriment, they can pursue the remedy at the relevant point of time. As of now, the OA is premature.

6. The OA is accordingly dismissed, with the above observations. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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