

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

**RA-89/2017 in  
OA-278/2017**

**New Delhi this the 5<sup>th</sup> day of May, 2017.**

**Hon'ble Mr. Shekhar Agarwal, Member (A)  
Hon'ble Mr. Raj Vir Sharma, Member (J)**

1. National Highways Authority of India  
(Through Its Chairman)  
G-5 & 6, Sector-10,  
Dwarka, New Delhi-110075.
2. General Manager (HR/ADMIN)-II,  
National Highways Authority of India,  
G-5 & 6, Sector-10,  
Dwarka, New Delhi-110075. .... Review Applicants

(through Ms. Anubha Agrawal with Sh. Ambuj Agrawal, Advocate)

**Versus**

1. Sh. Nawal Kishore Sharma  
55 years,  
S/o late Sh. K.C. Roy,  
R/o Flat No. 702, Block-A,  
NHAI Residents Apartment,  
Sector-17, Dwarka,  
New Delhi-110075.
2. Union of India,  
Ministry of Road Transport and Highways  
Through its Secretary,  
Transport Bhawan,  
1, Sansad Marg, Gokul Nagar,  
Sansad Marg Area,  
New Delhi-110001. .... Respondents

## ORDER (ORAL)

### Mr. Shekhar Agarwal, Member (A)

This Review Application is directed against our order dated 28.02.2017. During the course of hearing, learned counsel for the review applicants (respondents in OA) pressed only the following two grounds:-

(i) That at the time of hearing of the OA, it could not be brought to the notice of this Tribunal that an enquiry pertaining to premature encashment of bank guarantee of Rs.5 crores had been ordered against the OA applicant by the Hon'ble Minister and was pending.

In our opinion, the respondents were given ample opportunity at the time of hearing of the OA and there was no reason why they could not have brought this fact to the notice of the Tribunal. From para-5 of our judgment, it would be clear that the respondents in OA had chosen to argue this OA without filing reply. Further, from para-8, it would be evident that when the OA respondents were asked to bring to the notice of the Tribunal any material concerning the OA applicant, they could produce nothing except the personal file of one Sh. Asim Chaudhary in which pre-mature reversion order of the OA applicant was also passed. Since ample opportunity had already been granted to the OA respondents to furnish all relevant material concerning the case of the applicant, now at the stage of

RA, they cannot be permitted to rely on new material, which was very much within their knowledge at the time of hearing of the OA.

(ii) The other ground pressed by the review applicants was that the parent cadre of the OA applicant had sent a communication about the conduct of the officer on 20.02.2017 and subsequently on 23.03.2017 stating that he had proceeded on second deputation to NHAI without their NOC.

It is seen that the order by which the applicant was prematurely repatriated was passed on 20.01.2017. Subsequent communications received from the parent cadre of the OA applicant cannot now be used to justify his premature reversion. Hence, this ground is also of no help to the review applicants.

2. No other ground was pressed before us by the review applicant. We, therefore, do not find any merit in this review application and dismiss the same. No costs.

**(Raj Vir Sharma)**  
**Member (J)**

**(Shekhar Agarwal)**  
**Member (A)**

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