

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

ORIGINAL APPLICATION NO.170/00587-00588/2017

DATED THIS THE 23RD DAY OF JULY, 2018

HON'BLE DR.K.B.SURESH, MEMBER (J)

HON'BLE SHRI DINESH SHARMA, MEMBER (A)

1. Shri Somashekhar S.P.
S/o Late Sri Putte Gowda,
Aged about 54 years
Deputy General Manager (Technical),
& Project Manager,
National Highway Authority of India,
Project Implementation Unit,
Near J.M.I.J, NH-48,
Chitradurga – 577 502,
Karnataka State.

2. Shri Ajay Mani Kumar K.N.
S/o Shri NarasimhaKatta,
Aged about 50 years,

Deputy General Manager (Technical)
National Highway Authority of India,
SreeNilayam, Vivekanandanagar,
Hosepet,
Karnataka State – 583 201Applicants

(By Advocate M/s. B.B. Bajentri & Associates)

Vs.

1. The Union of India,
Represented by its Secretary,
Ministry of Road, Transport and
Highways, No.1, Parliament Street,
Transport Bhavan, New Delhi – 110 001.

2. National Highways Authority of India,
Through its Chairman-G-5 and 6,
Sector – 10, Dwaraka,
New Delhi – 110 075Respondents

(By Shri R.V. Naik, Counsel for Respondent No. 2)

O R D E R (ORAL)

(HON'BLE DR. K.B. SURESH, MEMBER (J))

Both counsels submit that during the interregnum of the hearing of the matter the applicants have been given promotion as General Manager (Technical). The applicants have claimed for promotion to General Manager and, even though they have not claimed in the relief portion, they seek for

absorption also. Absorption is never a consequential benefit of giving promotion therefore this benefit cannot lie in law but then if they are promoted as General Manager then they will be eligible for the consequential seniority as General Manager and the monetary benefits of General Manager. This is made clear.

2. The OA is allowed to this limited extent but with liberty to the applicants to seek other reliefs in other proceedings. No order as to costs.

(DINESH SHARMA)

MEMBER (A)

(DR.K.B.SURESH)

MEMBER (J)

/ksk/

Annexures referred to by the applicants in OA No. 170/00587/2017

Annexure A1 Copy of the 1996 Recruitment Regulations

Annexure A2 Copy of the 2009 amendment regulations

Annexure A3 Copy of the Notification dated 24.08.2012

Annexure A4 Copy of the Notification dated 24.01.2013

Annexure A5 Copy of the Ministry of Road Transport & Highways Central Engineering Service (Roads) Group "A" Rules, 2003

Annexure A6 Copy of the Notification dated 16.05.2016

Annexure A7 Copy of the order of deputation dated 24.12.2002

Annexure A8 Copy of the Notification dated 21.01.2003

Annexure A9 Copy of the order dated 22.05.2003

Annexure A10 Copy of the order dated 27.10.2012

Annexure A11 Copy of the letter dated 26.11.2012

Annexure A12 Copy of the office order dated 18.12.2012

Annexure A13 Copy of the order dated 08.01.2008

Annexure A14 Copy of the offer of appointment dated 27.10.2012

Annexure A15 Copy of the office order dated 06.12.2012

Annexure A16 Copy of the order in O.A. No.2795/2014 dated 22.08.2014

Annexure A17 Copy of the order of Central Administrative Tribunal, Principal Bench in O.A. No. 3696/2014 dated 11.11.2014

Annexure A18 Copy of the order of Hon'ble High Court of Delhi in Writ Petition No. 9227/2014

Annexure A19 Copy of the office order dated 29.12.2014 addressed to the 1st applicant

Annexure A20 Copy of the office order dated 29.12.2014 addressed to the 2nd applicant

Annexure A21 Copy of the draft seniority list of Managers (Technical) dated 23.09.2016

Annexure A22 Copy of the withdrawal order dated 05.10.2016

Annexure A23 Copy of the draft seniority list dated 30.01.2017

Annexure A24 Copy of the objections filed on 02.03.2017

Annexure A25 Copy of the circular dated 22.05.2017

Annexure A26 Copy of the representation dated 12.07.2017/17.08.2017

Annexure A27 Copy of the official memorandum dated 18.08.2017

Annexures with reply statement

Annexure R1 Copy of the eligibility criteria

Annexure R2 Copy of the circular inviting applications in 2014

Annexure R3 Copy of the circular inviting applications in 2015

Annexure R4 Copy of the circular inviting applications in 2016

Annexures with rejoinder

Annexure A28 Copy of the order dated 04.01.2018

Annexure A29 Copy of the interim order dated 28.03.2018 in O.A. No. 587-588/2017

Annexure A30 Copy of the order dated 02.04.2018

Annexure A31 Copy of the order dated 27.04.2018

Annexure A32 Copy of the Notification for promotion to the post of General

Manager (Technical) dated 09.04.2014

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