

**Central Administrative Tribunal
Principal Bench**

**RA No.298/2016 in
CP No.194/2016 in
OA No.749/2016**

New Delhi, this the 28th day of January, 2019

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

O.P. Bhatia, Aged about 58 years
S/o Late Mool Chand Bhatia
R/o 10, Plot No.7
Manjil Apartment, Sector-9
Dwarka, New Delhi. ... Applicant

(By Advocate: Shri S.K. Gupta)

Vs.

1. Chairman, National Highways Authority of India
Plot No. G5&6, Sector-10
Dwarka, New Delhi.
2. Chief Engineer, Public Works Department
State of Rajasthan
Jacob Road, Jaipur
(Rajasthan). ...Respondents

(By Advocate: Sh. Aamir Sheikh for Shri Hanu Bhaskar)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

This Application is filed with a prayer to review the
Order dated 15.11.2016 in OA No.749/2016 and CP
No.194/2016.

2. The applicant was appointed in Public Works Department- State of Rajasthan. He was on deputation to the National Highways Authority of India, the first respondent. Through an Order dated 04.01.2016, he was repatriated to his parent department. Challenging the same, he filed O.A. No.749/2016. An interim order was passed in the OA on 07.03.2016 and alleging that the same was not implemented, he filed CP No.194/2016.

3. The respondents pleaded that the applicant was not entitled to continue on deputation, much less for absorption and the order of repatriation was passed strictly in accordance with law. It is also stated that by the time the interim order was passed by the Tribunal, he was already relieved and despite that he misrepresented the facts to the Tribunal in his attempt to obtain interim order.

4. The Tribunal dismissed the OA as well as the Contempt case. On noticing the fact that the applicant suppressed the factum of his having been relieved from duty, cost of Rs.50,000/- was imposed. Hence this Review.

5. Heard Shri S.K. Gupta, learned counsel for the applicant and Shri Aamir Sheikh for Shri Hanu Bhaskar, learned counsel for the respondents.

6. It is not uncommon that an officer of a State service would make an endeavour to initially go on deputation to Central service, and thereafter to get absorbed. Absorption may not be possible sometimes, be it for want of vacancies or dis-satisfaction on the part of the borrowing department. The applicant was making an endeavour to continue on deputation. It is stated that the failure to continue on deputation was only on the ground that the State Government did not issue NOC.

7. Be that as it may, the Tribunal was not satisfied with the plea to continue the applicant on deputation. The O.A. was dismissed and that lead to the dismissal of contempt case.

8. The basis for imposition of cost of Rs.50,000/- is that the applicant suppressed the fact that he gave charge, by the time the interim order was passed. Assuming that it is correct, it appears that the impugned order came to be passed mostly on account

of the failure of the respondents to put forward their defence. It is not as if the applicant got an undue benefit. We, therefore, review the order dated 15.11.2016 to the extent it has imposed cost of Rs.50,000/- upon the applicant. The same shall stand deleted.

9. The R.A. is ordered accordingly.

(Mohd. Jamshed)
Member(A)

(Justice L. Narasimha Reddy)
Chairman

/vb/