



**Central Administrative Tribunal
Principal Bench**

**RA No.07/2018
in
OA No.4158/2017**

New Delhi, this the 9th day of December, 2019

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

G.Suresh (Aged 62 years),
S/o K.K. Gopinathan Pillai,
R/o C-3-A/39-A,
Janakpuri,
New Delhi-58.

...Applicant

(By Advocate : Shri S.K. Das)

Versus

1. National Highways Authority of India,
Through it's Chairman,
G 5 & 6, Sector 10, Dwarka,
New Delhi-110075.
2. Mr. Siba Narayan Nayak,
National Highways Authority of India,
G 5 & 6, Sector 10, Dwarka,
New Delhi-110075.

...Respondents

(By Advocate : Shri H.S. Tiwari for Shri Ankur Chhibber)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-


The applicant retired from service of the National Highways Authority of India (NHAI) as Chief General



Manager (CGM) (Financial Analyst) on 31.12.2015. Few months before that, he was issued a major penalty charge sheet on 20.06.2015. There existed a scheme for appointment of CGM on contractual basis also and the age limit of 65 years, which existed for that, was removed. An advertisement in this behalf was issued on 03.11.2015 and the applicant has also applied. However, the Selection Committee which met on 28.04.2016 did not recommend the name of the applicant, since disciplinary proceedings were pending against him. It is stated that the disciplinary proceedings were ultimately dropped on 20.03.2017.

2. The applicant filed the OA No.4158/201, complaining that his case ought to have been considered for appointment as CGM on contractual basis and there was no basis for denial of the same to him. Through an order dated 30.11.2017, the Bench of this Tribunal dismissed the OA. This RA is filed with a prayer to review the order in the OA.

3. The applicant contends that the very continuation of the disciplinary proceedings against him after



retirement was not proper since the CCA (Pension) Rules, 1972, did not apply to NHAI. He further submits that even otherwise, once the proceedings are dropped, the impediment ceased to exist and he ought to have been considered.

4. We heard Shri S.K. Das, learned counsel for applicant and Shri H.S. Tiwari for Shri Ankur Chhibber, learned counsel for respondents.

5. The effort of the applicant is to get appointment as CGM on contractual basis in the NHAI. He retired from service on 31.12.2015 and the advertisement was issued a month earlier. When the Selection Committee met on 28.04.2016, the proceedings still remained against the applicant. The plea that the proceedings ought not to have been dropped with retirement, is difficult to be considered at this stage. The applicant did not initiate any steps till charges were dropped on 20.03.2017. The clean chit given to him on that date does not bring the situation, wherein he ought to have been considered by the Selection Committee. At any rate, the appointment is

contractual in nature and no individual has a right to be considered in such cases.

6. One thing which, however, can be said is that the applicant cannot be treated as dis-qualified for being considered in case the occasion arises in future.

7. With this observation, we reject the RA. There shall be no orders as to costs.

There shall be no orders as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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