

\$~Suppl.-2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 551/2021 & CM APPLs. 1456-1458/2021

NATIONAL HIGHWAY AUTHORITY OF INDIA Petitioner

Through Mr.Nikhil Goel with Mr.Vinay
Mathur, Advocates.

versus

D.D. PARLAWAR Respondent

Through Mr.S.K.Gupta with Ms.Shubhi
Srivastava, Advocates.

% Date of Decision: 25th January, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. Present writ petition has been filed challenging the orders dated 03rd September, 2020 passed by Central Administrative Tribunal [CAT] in OA Nos.3315/2019 and 876/2020 whereby the respondent's applications have been allowed and he has been deemed to be eligible for consideration for promotion to the post of Deputy General Manager.
2. Learned counsel for the petitioner submits that the CAT has failed to understand the true nature of 'deputation' inasmuch as during the deputation period, the officer holds lien on the cadre post in parent department and the said recruitment cannot be taken as regular service until the officer is 'absorbed' in the deputation post.
3. Having heard learned counsel for the petitioner and having perused

the paper book, this Court finds that the respondent was an Assistant Engineer, who had been sent on deputation to NHAI as 'Manager' on 13th October, 2013. He was absolved in the said post on 12th October, 2018. Next promotion was to the post of DGM and an advertisement was issued in Feb 2019 for the same. However, the respondent was not considered, as according to petitioner, he did not have five years regular service in the post of Manager.

4. In the impugned order, CAT has relied upon its previous order, confirmed by the Division Bench of this Court in WP(C) No.9227/14 wherein it was held that the experience of an officer in the post of Manager – whether on promotion or on deputation – must be taken into account for the purpose of determining the eligibility of promotion. Further the petitioner itself has issued a Circular dated 22nd May, 2017 in terms of the aforesaid judgment as well. Learned counsel for the respondent has handed over a copy of the Circular dated 22nd May, 2017, which is taken on record.

5. In view thereof, the present impugned order calls for no interference in the writ jurisdiction. Accordingly, the writ petition along with pending applications are dismissed.

MANMOHAN, J

ASHA MENON, J

JANUARY 25, 2021
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