

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

OA/021/00183/2021

HYDERABAD, this the 4th day of March, 2021

Hon'ble Mr. Ashish Kalia, Judl. Member

Hon'ble Mr. B.V. Sudhakar, Admn. Member



A Y Reddy S/o A. Janardhan Reddy,
Aged about 61 years, Group A,
Occupation : Retired Deputy Commissioner,
NVS, Hyderabad Region,
R/o Road No.10, Avenue 4, Kaktiya Hills,
Madhapur, Hyderabad 500081.

...Applicant

(By Advocate : Mr. M. V. Krishna Mohan)

Vs.

1. Union of India,
Rep by its Secretary,
Ministry of Human Resource Development,
Shastri Bhavan, New Delhi.

2. The Commissioner,
Navodaya Vidyalaya Samithi,
B-15, Institutional Area,
Sector 62, Noida,
Uttar Pradesh – 201307.

....Respondents

(By Advocate : Mr. N.Srinatha Rao, SC for NVS)

ORAL ORDER
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)

Through Video Conferencing:



3. The OA is filed challenging the Notification dated 04.01.2021 issued by the respondents debarring the applicant for any post-retirement job either in Navodaya Vidyalaya Samiti or any other organization and to consequently direct the respondents to withdraw the notification.

4. Brief facts of the case are that the applicant joined the respondents organization as Post Graduation Teacher (Biology) in 1989 and retired on 31.5.2019 as Dy. Commissioner. On 4.1.2021, respondents issued a notification on the official website debarring the applicant for any post retirement job in any organization. A representation was made to withdraw the notification and there is no response and hence the OA.

5. The contentions of the applicant are that the notification is arbitrary and illegal. The second respondent is not competent to take the decision in question. Further, no notice was issued before taking the impugned notice. No action can be taken against the retired Govt. servant without the approval of the Hon'ble President under Rule 9 of CCS rules. The applicant is eligible to take up suitable assignment after retirement having retired as Dy. Commissioner from the respondents Organisation.

6. Heard both the counsel and perused the pleadings on record.

7. I. The dispute is about debarring the applicant from taking up employment after retirement. The applicant has retired from the respondents organisation as Dy. Commissioner on 31.05.2019 and much

thereafter, it was notified on 4.1.2021 that he is debarred from taking up any assignment. The applicant contends that it was done without notice and that too, without the approval of the Hon'ble President under Rule 9 of CCS (CCA) Rules. The applicant claims that he has been defamed by the said decision besides not allowing him to take up post retirement assignment, though eligible. Aggrieved, he represented on 12.1.2021 which has not been replied to. We are of the view that the respondents should have disposed the representation so as to let know the applicant the grounds for the said decision.



II. Hence, we direct the respondents to dispose of the representation cited within a period of 8 weeks from the date of receipt of this order by issuing a speaking and reasoned order in accordance with extant rules and law.

III. With the above direction, the OA is disposed of at the admission stage with no order as to costs. It is made clear that we have not gone into the merits of the case.

(B.V.SUDHAKAR)
ADMINISTRATIVE MEMBER

(ASHISH KALIA)
JUDICIAL MEMBER

/evr/