



## Central Administrative Tribunal Principal Bench, New Delhi

**O.A. No.645/2021**

This the 1<sup>st</sup> day of April, 2021

(Through Video Conferencing)

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

Ved Prakash Garg  
S/o. Late Sh. Mange Ram Garg  
Aged 68 years,  
Residing at D-226 Second Floor, Ashok Vihar Phase I  
Delhi – 110 052. ....Applicant

(By Advocate : Sh. Sumit Rana)

Versus

Union of India  
Through, Chief Executive Officer  
NITI AAYOG, Parliament Street,  
New Delhi – 110 001. ...Respondent

(By Advocate : Sh. R. K. Sharma)

### **ORDER (ORAL)**

**Justice L. Narasimha Reddy:**

This OA discloses a bit of unsatisfactory state of affairs, existing in NITI Aayog. The applicant retired from the service of NITI Aayog as Deputy Advisor on 30.04.2013. Through an order dated 05.07.2013, he was assigned the work as Research Associate



in the Project Appraisal and Management Division, in accordance with the guidelines contained in the Planning Commission's order dated 22.04.2013. It was also mentioned that the assignment would not exceed beyond one year even, in case, it is decided by the competent authority to extend his contract beyond the initially offered period.

2. The applicant states that his assignment was extended on as many as 12 times till 30.06.2020. He contends that the Advisor to the NITI Aayog asked him to continue soon after retirement and he accordingly discharged his duties till the order of re-engagement/re-employment of assignment was issued on 05.07.2013. He made repeated representations for payment of salary for the period between 01.05.2013 to 05.07.2013. When there was no positive response from the respondents, he initially approached the Hon'ble Delhi High Court by filing a W.P.(C) No.2991/2021, and when an objection was raised, he has withdrawn it and filed the present OA. He contends that he worked for a period of two months before the order of re-engagement was issued and the respondents are under obligation to pay the salary for this period, which, he calculated the same at Rs.1,19,110.



3. Today, we heard Shri Sumit Rana, leaned counsel for the applicant and Shri R. K. Sharma, learned counsel for the respondents.

4. It is common that Officers retire from the organizations on attaining the age of superannuation and in their place, the others take charge. In certain cases, the services of the retired employees are also availed, subject to certain conditions. The order issued to the applicant for re-engagement is dated 05.07.2013. Paras 1 & 2 of the order read as under:-

“1. Planning Commission is pleased to offer you an assignment to work as Research Associate in Project Appraisal and Management Division, Planning Commission, in accordance with the guidelines as contained in Planning Commission's Order No. A-12013/08/2013-Adm.I dated 22nd April, 2013.

2. The assignment will be effective from the date you join and will be for a period of six months, which may be curtailed depending upon the circumstances. Total duration of the contract will not exceed 1 year even in case it is decided by the competent authority to extend your contract beyond the initially offered period.”

5. The order is couched in such a way that even if the competent authority decides to extend the term it shall not be beyond one year. For whatever reasons the assignment of the applicant was extended on as many as 12 times and he remained in that position up to 2020. Any person in his place would have been so grateful to the organization for engaging him for such a long period. However,



here is a person who, apart from not being grateful to the organization, is after its blood. He retired as a senior officer and it is just un-understandable as to how he could have worked after the retirement, without there being an order from the competent authority. Even a casual labour cannot be assigned duties in the absence of a written order. The claim of the applicant is objectionable and we take serious exception to the manner in which the applicant has harassed the respondents.

6. We dismiss the OA. We would have imposed a cost but for the fact that he is a retired person.

**(A.K. Bishnoi)**  
**Member (A)**

**( Justice L. Narasimha Reddy )**  
**Chairman**

/pj/rk/mbt/ns/