

**Central Administrative Tribunal
Principal Bench**

OA No.4393/2015

New Delhi, this the 28th day of August, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

S. L. Gupta, SSP (Retd.)
CBI,
R/o C-302, DJA Apartments,
Plot No.1A, Sector-13, Dwarka,
New Delhi.

.... Applicant.

(In person)

Vs.

1. Secretary
Government of India,
Ministry of Personnel, Public Grievances & Pensions,
Department of Personnel & Training,
North Block,
New Delhi.
2. Director
Central Bureau of Investigation
5B, New CBI Building,
CGO Complex, Lodhi Road,
New Delhi 110 003.

... Respondents.

(By Advocate : Shri Hanu Bhaskar)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman :

The applicant retired from the service of CBI as Addl. SP on 31.01.2010. Soon thereafter, he was re-employed on contractual basis for a period of two years. The tenure ended on completion of two years.

2. Before the applicant retired from service, he was imposed the punishment of Censure. He challenged the same before this Tribunal, and as a result of the relief granted therein, he was granted notional promotion, initially as SP and on the basis of another effort, as Sr. SP. His pension and other benefits were calculated accordingly.

3. The applicant states that subsequent to completion of his two years tenure, ex-post facto approval was given for re-employment, and that, in turn, referred to a draft agreement which provided for payment of not only remuneration, but also certain other benefits. He made representations on 10.03.2014 and 06.04.2014. The respondents passed an order dated 14.01.2015 rejecting the same. The said order is challenged in this OA.

4. Heard the applicant who argued his case in person and Shri Hanu Bhaskar, learned counsel for the respondents.

5. The case presents certain typical features. The applicant was denied promotions on account of pendency of disciplinary proceedings, and thereafter the punishment imposed. When the applicant retired with that background, he came to be re-employed. Secondly, the re-employment was as Dy. SP duly indicating the remuneration to be paid

for that period. The ex-post facto approval was given for such appointment, after completion of the term. Added to that, the order of ex-post facto approval conferred upon the applicant certain benefits, on the basis of the “Draft Agreement”. Now relief is claimed in terms of that.

6. Whatever be the contents of the agreement, it becomes enforceable only when it is signed by the parties thereto. The applicant conveniently omitted to file the representations filed by him, and is harping upon the legality or otherwise of the impugned order. We are unable to know what exactly, was the prayer made in his representation. The whole issue is in the realm of speculation, and not referable to any particular provision of law. We do not find any basis to grant any relief.

7. The OA is accordingly dismissed. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/