

**Central Administrative Tribunal
Principal Bench**

OA No.1594/2019

New Delhi, this the 20th day of May, 2019

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

Prof (Dr.) J. Sundaresan Pillai,
Head (Retired), Aged 60 years,
Research and Business Development Division,
CSIR-NISCAIR,
New Delhi-110012.

...Applicant
(By Advocate : Shri Naveen R. Nath with Shri Mukund P. Unny)

Versus

1. Union of India,
Through
Minister of Science & Technology &
Earth Sciences,
Dr. Harsh Vardhan,
Vice President,
Council for Scientific and Industrial Research,
Rafi Marg, New Delhi-110 001.
2. Council of Scientific and Industrial Research,
Represented by
Director General,
Dr. Shekhar C. Mande,
Anusandhan Bhavan,
Rafi Marg, New Delhi-110001.
3. Director,
CSIR-NISCAIR,
Prof (Dr.) Manojkumar Patariya,
Dr. K.S. Krishnan Marg,
Pusa Campus, New Delhi-110012.
4. B.L. Garg,
Senior Principal Scientist,
CSIR-NISCAIR,
Dr. K.S. Krishnan Marg,
Pusa Campus, New Delhi-110012.

5. Mr.Ramesh Sai,
Assistant,
CSIR-NISCAIR,
Dr. K.S. Krishnan Marg,
Pusa Campus, New Delhi-110012.
6. Dr. T.K. Jana,
Principal Scientist,
CSIR-NISCAIR,
Dr. K.S. Krishnan Marg,
Pusa Campus, New Delhi-110012.

...Respondents

(By Advocate : Shri Rajive R. Raj)

ORDER (ORAL)

Justice L. Narasimha Reddy, Chairman :-

The applicant retired as Senior Principal Scientist, Council of Scientific and Industrial Research (for short, CSIR), on 31.01.2019, on attaining the age of superannuation. On 09.01.2019, he submitted an application for re-employment. In the context of handing over the charge, applicant addressed a letter dated 30.01.2019, emphasising the necessity for him to continue to hold the charge of certain projects. Through a letter dated 31.01.2019, the Administrative Officer of the concerned project of CSIR, informed the applicant that, in case the request of the applicant for re-employment is favourably considered by the competent authority, necessary steps would be taken, as and when the same is

materialised but in the meanwhile, he has to hand over the charge. This OA is filed for a declaration to the effect that the guidelines contained in the letter dated 25.10.1990 regarding re-employment of scientist are mandatory and that the respondents be required to evaluate his case, in public interest.

2. We heard Shri Naveen R. Nath, learned counsel for applicant and Shri Rajive R.Raj, learned counsel for respondents.

3. At the outset, we notice serious defect in the memo of parties. The applicant has impleaded the first respondent as Union of India represented by the Minister of the Department. It is totally impermissible. Similarly, the applicant impleaded the respondents No.4,5&6, Scientists of the CSIR in the project, though he did not claim any relief against them. During the course of arguments, it is stated that he impleaded them, in the context of handing over the charge. Even this is impermissible and we do not approve of the same.

4. It is not in dispute that the applicant attained the age of superannuation on 31.01.2019. With that, the

relationship between him and CSIR as employee and employer, comes to an end. It may be true that he has submitted an application for re-employment. However, it is for the concerned authority to take decision on that. As and when any order is passed for his re-employment, he can certainly be entrusted with duties, depending upon the terms thereof. However, he cannot compel the respondents, either to accept his case for re-employment, or to continue him to be attached with the projects.

5. We do not find any merit in the OA and the same is, accordingly, dismissed.

There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

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