

**Central Administrative Tribunal
Principal Bench
New Delhi**

OA No.4063/2014

This the 24th day of January, 2019

Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)

S. K. Kapoor S/o N. L. Kapoor,

Age: 66 years,

R/o A-67, Lohiya Nagar,

Ghaziabad, U.P.

Retired from the post of Senior Lecturer,

District Institute of Education and Training (DIET),

Karkardooma Institutional Area,

Delhi on 31.10.2007.

... Applicant

(By Mr. K. P. Gupta, Advocate)

Versus

1. State Council of Educational Research and Training
(SCERT), Varun Marg, Defence Colony,
New Delhi through its Director.

2. Secretary Education,
Government of NCT of Delhi,
Old Secretariat, Delhi,
Ex.-Officio Chairperson, SCERT,
Delhi.

... Respondents

(By Mr. N. K. Singh, Advocate)

ORDER

Justice L. Narasimha Reddy, Chairman :

The applicant retired from the post of Senior Lecturer from the State Council of Educational Research and Training (SCERT), the first respondent herein, on 31.10.2007. On the

same day, he was re-employed for a period of one year from the date of superannuation. At a later point of time, the period of re-employment was extended to two years. The applicant raised several contentions as regards the salary payable to him on re-employment. He not only made representations, but also filed an OA and contempt cases in this behalf. The period of re-employment also expired.

2. The applicant filed OA No.140/2012 before this Tribunal regarding fixation of his pay during re-employment. The OA was disposed of on 25.02.2013 directing the first respondent to pass orders on certain aspects. By undertaking a detailed discussion, the first respondent passed order dated 02.04.2014 taking the view that though the applicant was re-employed, it was not valid since the competent authority did not accord sanction, and as a result, his engagement shall be treated as on contractual basis. It was also mentioned that the amount already paid to him will hold good. The same is challenged in this OA. Relief is also claimed in the form of a direction to the respondents to re-fix his pay at Rs.37,420/- as on 01.10.2007, and that the respondents be required to re-pay part of pension deducted during the period of re-employment.

3. The respondents filed counter-affidavit opposing the OA. It is stated that the first respondent is a Society functioning under the administrative control of the Government of NCT of Delhi, and since the re-employment of the applicant was not approved by the Government, he cannot claim any rights whatever. It is also stated that none of the claims of the applicant are tenable in law.

4. We heard Shri K. P. Gupta, learned counsel for the applicant, and Shri N. K. Singh, learned counsel for the respondents.

5. The record discloses that the contribution or accomplishment of the applicant was more in the field of service law, than in the field of education. He did not spare any occasion to drag his employer, i.e., the first respondent, to litigation, be it as regards the age of superannuation or the terms of re-employment, or the remuneration therefor. In fact the executive authority of the second respondent was taking the decisions and proceeding to implement them, without waiting for the approval of the State Government, as required under the relevant provisions of law. It became handy for the applicant to make as many claims as possible.

6. The concept of re-employment is not something, which is generally available in any organisation. It is only when the relevant rules provide for re-employment that it can be made, subject to the conditions stipulated therefor. In the instant case, it was found that no policy decision as such existed earlier, and the proposal submitted to the second respondent was not agreed to. The applicant was extended all the benefits for re-employment, as are admissible in law.

7. We do not find any merit in the OA. It is accordingly dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/as/