

**Central Administrative Tribunal
Principal Bench**

OA No.180/2016

New Delhi, this the 25th day of July, 2019

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

Sh. V.S. Dharmakumar, Age 72 years
S/o Late Dr. V. Sekharan
Assistant PPS retired
R/o R-100, Park View City 1
Sohna Road, Gurgaon-120018
Haryana.Applicant

(By Advocates: Shri R.K. Shukla)

Vs.

1. Union of India through its Secretary
Ministry of Labour & Employment
Shram Shakti Bhawan
Rafi Marg, New Delhi.
2. The Secretary
Public Grievances & Pension
Department of Personnel & Training
Secretariat, North Block
New Delhi-110001. ... Respondents

(By Advocate: Shri Gyanendra Singh)

ORDER (ORAL)

Justice L. Narasimha Reddy:-

The applicant claims to have worked with as many as three Prime Ministers and about half a dozen Union Ministers, ever since 1975. Full particulars are not

available but it is stated that in January 2014 a proposal was made by the then Minister for Labour and Employment, Shri Oscar Fernandez, to make necessary arrangement to appoint the applicant as Additional P.S. The relevant provisions of law are to the effect that no person can function as PS or Additional PS of a Minister for a period exceeding 10 years and they should not be aged more than 60 years. In respect of these two aspects, relaxation was sought. The proposal was forwarded to the DoP&T, through communication dated 25.07.2014 for appointment of the applicant. The proposal was turned down. Hence the OA.

2. The applicant contends that he worked as Additional PS with the then Minister for Labour and Employment, Shri Oscar Fernandez and there was no justification for the respondents in rejecting the proposal.

3. The respondents filed a detailed counter affidavit opposing the OA. It is stated that the proposal for relaxation of two conditions, namely, the age limit and working period was sought and after taking the

relevant facts into account, the same was rejected. It is also stated that there cannot be any retrospective appointment and once the Minister who initiated the proposal himself is not in office, the whole exercise becomes redundant.

4. We heard Shri R.K. Shukla, learned counsel for the applicant and Shri Gyanendra Singh, learned counsel for the respondents.

5. If one goes by the particulars furnished in the synopsis, the applicant can be treated as one of the most powerful persons in the country. He is said to have worked as personal staff under Smt. Indira Gandhi, Shri Morarji Desai, Dr. Manmohan Singh, Prime Ministers and Shri C.M. Stephan, Shri V.N. Gadgil, Shri Natwar Singh, Shri Ajay Singh, Shri Kamal Morarka, Shri Salman Khurshid, Shri Shish Ram Ola, Shri I.D. Swami, Shri K. Natwar Singh, Shri Saif-uddin Soz, Shri Pawan Kumar Bansal and Shri OscarFarnandis, the Union Ministers. He claims to have worked with Shri Oscar Fernandez between 16.12.2013 and 25.05.2014. It is for this period, that he wanted an order of

appointment. The Ministry examined the case and found that the relaxation, as prayed for, cannot be granted.

6. Assuming that the services of the applicant are so inevitable for the Minister and the relaxation was required to be given, the necessity would arise if only Shri Oscar Fernandez, who mooted the proposal, is in office. Once he is ceased to be the Minister, the whole exercise becomes futile.

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

(Mohd. Jamshed) (Justice L. Narasimha Reddy)
Member(A) Chairman

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