

Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.2598/2019

Friday, this the 30th day of August 2019

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

Suchitra Goswami,
age 67 years
Retired as Joint Secretary
w/o Shri Prakash Goswami
c/o address L-1/9 NDSE II
New Delhi – 110 049
Group B

..Applicant
(Mr. Harpreet Singh and Mr. G D Chawla, Advocates)

Versus

1. Union of India
through Vice Chairman
NITI Ayog, Sansad marg
New Delhi – 110 003
2. Director,
NITI Ayog, Sansad marg
New Delhi – 110 003

..Respondents
(Mr. S N Verma, Advocate)

O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant retired from service of the Ministry of Home Affairs as Joint Secretary on 31.07.2011. Thereafter, she has been engaged by the NITI Aayog as Research Associate in WCD Division, vide order dated 11.06.2014 for a period of one

year. On expiry of initial term of one year, she was continued up to 30.11.2015 and it was not extended beyond that date. At that stage, the applicant filed O.A. No.944/2017 before this Tribunal. The O.A. was disposed of on 31.05.2017 with a direction to the respondents to consider the representation made by the applicant for extension. Through a detailed order dated 06.09.2017, the respondents rejected the request of applicant. It was mentioned that according to O.M. dated 25.07.2014 issued by the Planning Commission, the engagement of retired employees can be only up to the maximum age limit of 65 years and that the applicant has crossed the same.

2. Earlier, the applicant filed O.A. No.124/2019, but has withdrawn the same with liberty to file fresh one. Accordingly, the present O.A. is filed.

3. Learned counsel for applicant contends that the respondents have acted in a discriminatory and arbitrary manner in the context of extension of term. He submits that though there was a recommendation from senior officials in the NITI Aayog for extension of applicant's term, that was not approved, whereas another consultant, regarding whom there was no recommendation, is being continued.

4. We heard Mr. Harpreet Singh, learned counsel for applicant and Mr. S N Verma, learned counsel for respondents, at the stage of admission, at length.

5. The applicant got a post-retirement engagement as a consultant in the NITI Aayog, vide order dated 11.06.2014. It was clearly mentioned in the O.M. dated 25.07.2014 that engagement of retired employees can be only up to the maximum age limit of 65 years and it cannot be extended beyond that age. The record discloses that the applicant was continued up to 30.11.2015.

6. It is true that earlier the applicant approached the Tribunal by filing O.A. No.944/2017 and a direction was issued to the respondents to consider her representation. What, however, becomes relevant is that the applicant has no right to insist on her term being extended, particularly when a clear prohibition exists against engaging a consultant, who crossed the age of 65 years. The applicant ceased to be associated with the NITI Aayog from 01.12.2015 onwards. She cannot be inducted at this length of time. We do not find any merit in this O.A. It is accordingly dismissed.

7. It is represented that the applicant was not paid the salary for the period between 01.12.2015 and 31.03.2016. If the applicant has worked during that period and was not paid the salary, the same shall be released within four weeks from the

date of receipt of a copy of this order. If there exist any reasons for not extending that relief, a communication to that effect shall be given to the applicant within that period.

There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

August 30, 2019
/sunil/