Cooling-off Period for Post-retirement Jobs

***Prelims**: Indian Polity and Governance*

Why in News?

Recently, Chief Justice of India, B R Gavai, has emphasized on abjuring post-retirement assignments.

- **Post-retirement jobs of government servants** – Accepting government posts after retiring from government service and joining private firms.
- Government permission is to be sought for post-retirement commercial employment if the job is taken up within 1 year of leaving office.
    - *All India Services (Death-cum-Retirement Benefits) Rules, 1958* governs for all the 3 AIS (IAS, IPS and IFoS)
    - *Central Civil Services (pension) rules* govern for all the Central Civil Services.
- Non-compliance with these rules can lead to the government declaring that the employee shall not be entitled to the whole or such part of the pension and for such period as may be specified.
- **Cooling-off period** - There are rules for those serving in central civil services and in all-India services.
- Officials have to undergo a ***"cooling-off period" of 1 year*** *(Since 2015)* before they can join a private commercial enterprise.
- Government servants who either resign from service or take voluntary retirement (VRS) also subject to cooling-off period.
- **Ethical issues** – The question of *policy decisions or judicial pronouncements being influenced* by the prospect of a post-retirement official job is a reality that cannot be ignored.
- There is instance where the mandate *cooling off period had been waived or altered* under different political regime.
- There is a *conflict of interest* between the post the officer held in the last 3 years of service and the interests and work of the organisation the officer joins after his/her resignation or voluntary retirement.
    - In 2022, Archana Goyal Gulati, who had worked in the Competition Commission of India (CCI), took VRS and joined Google after serving the cooling-off period.
- The other lacuna concerns government servants who join political parties after retirement.

Instances of Circumventing Cooling-off Period

• In 2007, Ashok Jha, after his retirement as Union finance secretary, was granted exemption to accept the office of president of Hyundai India before completing the cooling-off period.
• In 2014, rules of TRAI had been altered, to allow retiring chairpersons for future employment in state or the central government to accommodate Nripendra Misra's appointment as PM's principal secretary.
• In 2018, then foreign secretary S Jaishankar was granted a waiver just 3 months after his retirement to join Tata Sons as president, global corporate affairs.

Reference

Business Standard| Issues with Post-Retirement Jobs

