



Central Administrative Tribunal Principal Bench, New Delhi

O.A. No.3940/2017

M.A.No.4284/2018

M.A. No.484/2018

This the 12th day of March 2020

**Hon'ble Sri Justice L. Narasimha Reddy, Chairman
Hon'ble Sri A. K. Bishnoi, Member (A)**

Dr. A K Singla, age 59 years
Group A
Age 59
Dental Doctor
Late Shri 10/336, Sunder Vihar
Paschim Vihar, New Delhi – 87

..Applicant

(Sri Rajeev Sharma, Advocate)

Versus

1. Union of India
Through its Secretary
Department of Personnel & Training
Ministry of Personnel, Public Grievances &
Pensions, North Block, New Delhi
2. Union of India through its Secretary
Ministry of Health & Family Welfare
Nirman Bhawan, New Delhi
3. Union of India through its Secretary
Ministry of Agriculture
Department of Animal Husbandry
Dairying and Fisheries
Krishi Bhawan, New Delhi
4. Food Safety & Standard Authority of India
Through Chief Executive Officer
Food Safety & Standard Authority of India
FDA Bhawan, Kotla Road
New Delhi

..Respondents

(Sri K M Singh and Ms. Neetu Mishra, Advocates)



O R D E R (ORAL)

Justice L. Narasimha Reddy:

The applicant was appointed as a Veterinary Doctor in the Department of Animal Husbandry, Dairying & Fisheries, Ministry of Agriculture. The Ministry has enacted the Food Safety and Standards Act, 2006 (FSS Act) under which the Food Safety and Standards Authority of India (FSSAI) was constituted. The applicant became an employee thereof.

2. The age of superannuation of the Veterinary Doctors in the respondent organization is 62 years. In the recent past, the Government of India enhanced the age of superannuation of Medical doctors to 65 years, subject to certain conditions.

3. The applicant contends that after a prolonged pursuit of the matter, the Veterinary Doctors were accorded the same status as that of Medical Doctors, and though the age of superannuation for Medical Doctors was enhanced to 65 years, the same facility was not extended to him and other Veterinary Doctors. In this background, the applicant filed this OA with a prayer to direct the respondents to declare that he is entitled to



continue in service, upto the age of 65 years, and to direct the respondents to extend him, the same benefit on par with General duty Medical Officers (GDMO) & Dental Doctors. He contends that the service conditions of the Veterinary Doctors, on the one hand, and the Medical Doctors, on the other hand, are similar and there is no basis to make a distinction as to the age of superannuation.

4. The respondents filed a detailed counter affidavit, opposing the OA. It is stated that the circumstances under which the age of superannuation of Medical Doctors was enhanced, were substantial different, and that the applicant cannot draw parity with them. It is stated that the applicant has since retired from service, on attaining the age of superannuation, and he cannot be continued beyond that.

5. We heard Sri Rajeev Sharma, learned counsel for the applicant and Sri KM Singh with Ms. Neetu Mishra, learned counsel for the respondents.

6. It is not in dispute that the age of superannuation, as per the relevant service rules, for the Veterinary Doctors in the respondent organisation, is 62 years. It is



true that in the matter of pay scales, the Veterinary Doctors are brought on par with the Medical doctors. However, the age of superannuation is an aspect which is governed by the relevant service rules. As of now, it is 62 years for Veterinary Doctors.

7. On account of the shortage of the Doctors available for treatment of patients and teaching in medical colleges, the Government amended the relevant rules by enhancing the age of Medical Doctors in the Central Government Service, to 65 years. A condition was stipulated to the effect that beyond the age of 62 years, they shall not be entitled to hold any administrative positions and the enhancement is only to enable them to render service of treatment of patients and of teaching. Since voluminous litigations ensured in this behalf, the rules were amended more than once. As of now, the rules were amended more than once. As of now, the position is that the age of superannuation of a Medical Doctor shall be 62 years, and in case he gives an option to serve in the hospitals or in medical colleges, it shall be 65 years. The facility of extending the age of superannuation is not available even to the Medical Doctors, otherwise than for treatment of patients and teaching in medical colleges. When such is



restricted scope of the amendment carried out in the rules in respect of the Medical Doctors, the question of extending the age of superannuation for Veterinary Doctors up to 65 years, does not arise.

8. Though reliance is placed upon the judgment of the High Court of Jharkhand in WP(S) No. 5320/2017, that was a time when the rules even in respect of Medical Doctors were different. Further, the only direction issued therein was to consider the case of the petitioner therein. No declaration as such was given to the effect that the age of superannuation shall stand extended to 65 years.

9. We do not find any merit in the OA. It is accordingly dismissed.

10. Pending MAs, if any, shall also stand disposed of.

There shall be no order as to costs.

(A.K. Bishnoi)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

March 12, 2020
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