

Item No.6



**Central Administrative Tribunal
Principal Bench: New Delhi**

O.A. No. 1729/2021

This the 23rd day of August, 2021

Through Video Conferencing

**Hon'ble Ms. Manjula Das, Chairman
Hon'ble Mr. Mohd. Jamshed, Member (A)**

Yateendra Kumar,
S/o A.Prasd,
Aged about 60 years,
R/o MCD Officers Flat No: A-7,
R- Block, Greater Kailash (Part -1),
New Delhi – 110048.

... Applicant

(By Advocate: Mr. Avinash)

Versus

1. Union of India, Through Secretary,
Ministry of Health and Family Welfare,
Govt. of India,
Nirman Bhawan, New Delhi – 110011.
2. Ministry of Health and Family Welfare,
(CHS Division),
Govt. of India,
Through its Secretary,
Near Udyog Bhawan Metro Station,
Maulana Azad Rd, New Delhi, Delhi – 110011.
3. North Delhi Municipal Corporation,
Through the Commissioner,
North Delhi Municipal Corporation,
4th Floor, Dr. S P M Civic Center,
New Delhi – 110002.
4. Govt. of NCT of Delhi,
Through its Chief Secretary,

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Govt. of Delhi,
Room No: 510, Delhi Secretariat Building,
I.P. Estate, New Delhi- 110002.

... Respondents

(By Advocates : Mr. Rajneej for Mr. Rajpal Singh for R-1 & 2
and Mr.RV Sinha with Mr.Amit Sinha for R-3)

ORDER (ORAL)

Hon'ble Ms. Manjula Das, Chairman

The applicant is working as Veterinary Doctor in North Delhi Municipal Corporation (NDMC). In the normal course, he is attaining the age of superannuation on 31.08.2021. He filed this O.A. with a prayer to direct the respondents to extend the age of superannuation from 60 years to 65 years, in terms of the orders passed by the Government of India dated 31.05.2016, read with amended F.R. 56.

2. The applicant contended that such benefit was extended to certain categories of medical practitioners in the NDMC and the same has been denied to him. According to him, the service conditions of medical doctors and veterinary doctors are almost same. Various grounds are also urged.

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3. We heard Shri Avinash, learned counsel for the applicant and Mr. Rajneesh for Mr. Rajpal Singh, learned counsel for respondents 1 & 2 and Mr. R V Sinha, learned counsel for respondent no.3, through video conferencing.

4. The endeavour of the applicant is to get the age of superannuation extended from 60 years to 65 years for the post. It is not in dispute that as of now, the age of superannuation under the relevant service rules is 60 years. It is no doubt true that the Government of India has amended F.R. 56, to enable certain categories of medical doctors to remain in service up to the age of 65 years. Their intention was only to avail the services of such doctors for treatment of the patients. Extensive litigation ensued in this behalf and the rules were amended in such a manner, that the age of superannuation would be 62 years and it is only when the doctors in the Central Government Service opt to offer their services for treatment of the patients, that they would be continued up to 65 years.

5. Assuming that the similar facility has been extended by NDMC to medical doctors, one cannot expect the same pattern for the veterinary doctors. As of now, the rules provide for age of superannuation as 60 years. This very

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issue fell for consideration before this Tribunal in O.A. No.2289/2018 decided on 30.07.2018. The O.A. was dismissed. That, in turn, was followed in O.A. No.3711/2018 decided on 12.10.2018. We do not find any differentiating factor in this case.

6. The O.A. is, therefore, dismissed. There shall be no order as to costs.

(Mohd. Jamshed)
Member (A)

(Manjula Das)
Chairman

August 23, 2021
/lg/jyoti/dd