

(6)

19.04.2007  
OA 16/2007

Present : Mr. C.B. Sharma, counsel for applicant.  
Ms. Kavita Bhati, proxy counsel for  
Mr. Kunal Rawat, counsel for respondents NO. 1 & 2.  
Mr. Balveer Singh, proxy counsel for  
Mr. Gaurav Jain, counsel for respondents No.3 to 5.

This case has been listed before the Deputy Registrar due to non-availability of Division Bench. Be listed before the Hon'ble Bench on 25.05.2007.

  
(GURMIT SINGH)  
DEPUTY REGISTRAR

akv

OA No.16/2007.

25.05.2007.

Mr. C. B. Sharma counsel for the applicant.  
Mr. Kunal Rawat counsel for the official  
respondents.  
Mr. Gaurav Jain counsel for private respondent.

Heard. The OA has been disposed of by a  
separate order.

(HONORABLE MEMBER)  
WAMATAHAR S. JVY

(Tarsem Lal)  
ADMINISTRATIVE MEMBER

(Kuldip Singh)  
VICE CHAIRMAN

P.C./

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

OA No.16/2007.

Jaipur, this the 25<sup>th</sup> day of May, 2007.

**CORAM :** Hon'ble Mr. Kuldip Singh, Vice Chairman.  
Hon'ble Mr. Tarsem Lal, Administrative Member.

Dr. B. Jena  
S/o shri D. C. Jena,  
Aged about 59 years,  
R/o 10, Vinayak Complex Nasiya Ji Jain Mandir Road,  
Dadabari Extension,  
Kota.

... Applicant.

By Advocate : Mr. C. B. Sharma.

Vs.

1. Union of India through  
Secretary, Government of India,  
Department of Health,  
Ministry of Health & Family Welfare,  
Nirman Bhawan,  
New Delhi.
2. Union of India through its Secretary to the  
Government of India,  
Department of Pension and Pensioners Welfare,  
Ministry of Personnel, Public Grievances and  
Pension, New Delhi.
3. Union of India through its Secretary to the  
Government of India, Department of Posts,  
Ministry of Communication and Information  
and Technology, Dak Bhawan, Sansad Marg,  
New Delhi.
4. Chief Post Master General,  
Rajasthan Circle,  
Jaipur 302 007.
5. Post Master General,  
Rajasthan Southern Region,  
Ajmer.

... Respondents.

By Advocate : Shri Kunal Rawat for Respondent No.1&2.  
Shri Gaurav Jain for Respondent No.3,4&5.



## : O R D E R (ORAL) :

The applicant has filed this OA thereby praying for the following reliefs :-

"(i) That respondents may be directed to extend benefits of order dated 16.11.2006 (Annexure A/1) to the applicant by enhancing age of superannuation from 60 years to 62 years by modifying the order with all consequential benefits.

(ii) That the respondents be further directed to allow the applicant to work up to the age of 62 years and not to superannuate on 31.1.2007.

(iii) Any other order, direction or relief may be passed in favour of the applicant, which may be deemed fit, just and proper under the facts and circumstances of the case.

(iv) That the costs of this application may be awarded."

2. The case of the applicant is that he was appointed as Medical Officer on 30.11.1974 and thereafter in the year 1980 he came to Central Health Services. On 31.1.2007 he superannuated from service from the post of Chief Medical Officer, Incharge Postal Dispensary, Kota. By way of this OA, the applicant prays that he may be extended the benefit of order Annexure A/1 by enhancing his age of superannuation from 60 years to 62 years.

3. Heard the Learned Counsel for the parties.

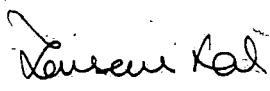
4. Learned Counsel for the respondents submits that the similar controversy was also before the Principal Bench



which was decided vide order dated 11.01.12007 passed in OA No.21/2007 & ors., Dr. Asha Aggarwal & ors. Vs. Union of India and ors, wherein in Para 6 of the Judgment the Tribunal made the following observations :-

"6. The subject matter of the application relating to enhancement of the age of superannuation of a class/category of officers is a matter of policy, which the Government is competent to decide. In a catena of judgment of the Apex court, it has been held time and again that Courts should not interfere in policy matters. In the present case, again, the applicants have not been individually discriminated against in the impugned order of the Government. As stated by the applicants, the impugned order excludes an entire sub-cadre (GDMO). The applicants have also not established any mala fides. We, therefore, do not consider it necessary to interfere with the decision of the Government.

5. After going through the judgment, we see that the present case is squarely covered by the aforesaid judgment and we hereby dispose of this OA on the same set of lines as quoted in para 6 above. Accordingly, the OA stands dismissed. No costs.

  
(TARSEM LAL)

ADMINISTRATIVE MEMBER

  
(KULDIP SINGH)  
VICE CHAIRMAN

P.C./