

**Central Administrative Tribunal
Principal Bench**

**OA No.3696/2016
MA No.3265/2016**

New Delhi, this the 3rd day of November, 2016

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. Shekhar Agarwal, Member (A)**

1. Academy of Biomedical Scientists,
(Registered Association of Group-A Gazetted Non-Medical
Scientific and Technical Posts under DGHS/MOH)

Through Dr. SurendraNath Sharma, Age 59 years,
General Secretary,
S/o Shri Parkash Chand,
Flat No.201/B-2,
Sector-17, Rohini-89.

2. Dr. Pradeep Kumar Srivastava, Age 58 years,
S/o Shri Bijai Kumar Srivastava,
R/o Royal Villa-IV, 2/18 Flat 100,
Sector-2, Rajendra Nagar,
Sahibabad, Ghaziabad-201005.

3. Dr. Sukhvir Singh, Age 57 years,
S/o Shri Krapal Singh,
R/o-5C Press Block,
Behind Vidhan Sabha,
Civil Lines,
Delhi-54.

4. Dr. Suman Lata Wattal, Age 56 years,
D/o Late Prof. O.N. Bhat,
R/o 11-D, Dhruva Apartments,
Sector-13, Plot No.43,
Rohini,
Delhi-110085.

5. Ms. Kalpana Baruah, Age-55 years,
D/o Late Hridayananda Baruah,
R/o E-115, Pragati Vihar Hostel,
Lodhi Road,
New Delhi-110 003.
6. Dr. Rudra Kumar Das Gupta, Age-58 years,
S/o Late Sushil Kumar Das Gupta,
R/o B-406, Sagar Apartment,
C-58/15, Sector-62,
NOIDA 201309.

...applicants

(By Advocate : Shri Sachin Chauhan)

Versus

1. Union of India,
Through Secretary (Health),
Ministry of Health and Family Welfare,
Govt. of India,
Nirman Bhawan,
New Delhi-110 108.
2. Directorate General of Health Services (DGHS),
Through its Director General,
Room No.446-A,
Nirman Bhawan,
Maulana Azad Road,
New Delhi-110108.
3. The Joint Secretary (VBD),
Ministry of Health and Family Welfare,
Govt. of India,
Nirman Bhawan,
New Delhi-110108.
4. The Secretary, DOPT,
North Block,
New Delhi.
5. The Secretary,
Ministry of Finance,
North Block,
New Delhi.

6. The Secretary,
UPSC,
Dholpur House,
Shahjahan Road,
New Delhi.

...respondents

(By Advocate : Shri Hanu Bhaskar for R-1 to 5
Shri R.N. Singh for R-6.)

ORDER (ORAL)

Mr. Justice Permod Kohli, Chairman :

MA No. 3265/2016

For the reasons stated in the application, the MA is allowed.

Applicants are permitted to join in the OA.

OA No.3696/2016

Heard.

2. Issue Notice. Shri Hanu Bhaskar, learned counsel and Shri R.N. Singh, learned counsel, appear and accept notice on behalf of respondents No.1 to 5 and respondent No.6 respectively.

3. The present application has been filed by Academy of Biomedical Scientists (Formerly : National Council of Biomedical Scientist), Registered Association of Group-A Gazetted Non-Medical Scientific and Technical posts under DGHS/MOH&FW and some individuals belonging to the aforesaid class of the officials holding the non-medical scientific and technical posts. The grievance projected by the applicants in the present OA is that they are at par with the specialists of Non-Teaching and Public Health sub-cadres

of Central Health Service (CHS) and General duty Medical Officers of CHS. They rely upon the judgment of Hon'ble Supreme Court in case of ***Dr. Ms. O.Z. Hussain Vs. Union of India & Ors.***, wherein the cadre of the organisation of the applicants was treated at par with specialists of Non-Teaching and Public Health sub-cadres of Central Health Service (CHS) and General duty Medical Officers of CHS. The contention of the applicants is that superannuation age of the specialist of Non-teaching and Public Health sub-cadres of CHS and General Duty Medical Officers of CHS has been raised to 65 years vide the order dated 31.05.2016 issued by the Government of India, Ministry of Health and Family Welfare. Thus, the applicants, being treated at par with the specialists of Non-Teaching and Public Health sub-cadres of Central Health Service (CHS) and General duty Medical Officers of CHS, are also entitled to be granted the benefit of the enhancement of the retirement age. The applicants filed detailed representation dated 18.07.2016 which has been followed by some reminders. The said representation has not been considered till date.

4. In view of the above circumstances, this OA is disposed of at the admission stage itself, with the direction to the Secretary, Ministry of Health and Family Welfare to consider the representation and take decision thereon, and dispose of the same

by passing a reasoned and speaking order within a period of two months from the date of receipt of a copy of this order. No costs.

(Shekhar Agarwal)
Member (A)

(Justice Permod Kohli)
Chairman

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