

**Central Administrative Tribunal
Principal Bench**

**OA No.3288/2016
WITH
OA No.3333/2016 and
OA No.3334/2016**

New Delhi, this the 30th day of May, 2017

**Hon'ble Mr. Justice Permod Kohli, Chairman
Hon'ble Mr. K.N. Shrivastava, Member (A)**

OA No.3288/2016

Dr. Swadesh Kumar Bansal
@ (S.K. Bansal), Aged 60 years,
S/o Shri M.C. Aggarwal,
R/o C-401, Pawittra Apartments,
Vasundhara Enclave,
Delhi-110096
(Presently CMO (SAG) Officer working in Delhi Health
Service, GNCT of Delhi)

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi.
2. The Principal Secretary,
(Health & Family Welfare)
(GNCT of Delhi),
9th Level, A-Wing, IP Estate,
Delhi Secretariat,
Delhi-110002.
3. The Medical Superintendent,
Lok Nayak Hospital,
Jawahar Lal Nehru Marg,
New Delhi-110002.
4. The Medical Superintendent,
Aruna Asaf Ali Hospital,

Rajpur Road,
Delhi.

5. The Union of India,
Through its Secretary,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan,
New Delhi-110011.

...Respondents

(By Advocate : Shri N.K. Singh for Mrs. Avnish Ahlawat)

OA No.3333/2016

Dr. Umed Singh, Aged 60 years,
S/o Late Shri SukhDev Singh,
R/o G-167, (FF), Pushkar Enclave,
Pashim Vihar,
New Delhi-110063.

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat, I.P. Estate,
New Delhi.
2. The Principal Secretary,
(Health & Family Welfare)
(GNCT of Delhi),
9th Level, A-Wing, IP Estate,
Delhi Secretariat,
Delhi-110002.
3. The Medical Superintendent,
Acharya Shree Bhikshu Government Hospital,
Moti Nagar,
New Delhi-110015.
4. The Medical Superintendent,
Deen Dayal Upadhyay Hospital,
Hari Nagar, New Delhi.

5. The Union of India,
Through its Secretary,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan,
New Delhi-110011.

...Respondents

(By Advocates : Shri N.K. Singh for Mrs. Avnish Ahlawat and
Shri Gyanendra Singh)

OA No. 3334/2016

Dr. Avneendra Prasad, Aged 62 years,
S/o Mahesh Prasad,
R/o Flat No.2014, Joy Apartment,
Plot No.2, Sector-2,
Dwarka,
New Delhi-75.

(Presently Consultant (SAG) Officer working in Delhi Health
Service, GNCT of Delhi)

...Applicant

(By Advocate : Shri Ajesh Luthra)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
A-Wing, 5th Floor,
Delhi Secretariat,
I.P. Estate,
New Delhi.
2. The Principal Secretary,
(Health & Family Welfare)
(GNCT of Delhi),
9th Level, A-Wing,
IP Estate,
Delhi Secretariat,
Delhi-110002.
3. The Medical Superintendent,
Sanjay Gandhi Memorial Hospital,

Mangolpuri,
New Delhi-110083.

4. The Union of India,
Through its Secretary,
Ministry of Health & Family Welfare,
Room No.348, 'A' Wing,
Nirman Bhavan,
New Delhi-110011.

...Respondents

(By Advocate : Shri N.K. Singh for Mrs. Avnish Ahlawat and
Shri Gyanendra Singh)

ORDER (ORAL)

Justice Permod Kohli :-

The issues being common in these Original Applications, the same are being taken up for final disposal by this common order.

2. The applicants in these OAs are working as Doctors in various grades and ranks. They are seeking benefit of Notification No.G.S.R. 567 (E) dated 31.05.2016 whereby the age of superannuation in respect of General Duty Medical Officers and Specialists included in Teaching, Non-Teaching and Public Health Sub-cadres of Central Health Service has been enhanced up to 65 years. The applicants in these cases were to retire on 30.09.2016. This Court by mean of interim orders kept in abeyance their retirement and they were allowed to continue beyond the age of 62 years.

3. Today, when these matters were taken up, Shri N.K. Singh appearing for the respondents has placed on record copy of order dated 30.09.2016 which reads as under:-

“The Lieutenant Governor of GNCT of Delhi is pleased to enhance the age of superannuation of the Specialists of Non-Teaching sub-cadre of Delhi Health Service (DHS) and General Duty Medical Officers of DHS to 65 years with immediate effect.”

By virtue of the aforesaid order, the LT. Governor of GNCT of Delhi has ordered enhancement of the age of superannuation of the Specialists of Non-Teaching sub-cadre of Delhi Health Service (DHS) and General Duty Medical Officers of DHS to 65 years with immediate effect. Meaning thereby, that this order came into operation on 30.09.2016 itself and the applicants in these OAs who were due to retire on 30.09.2016, became beneficiary of the enhancement of age of superannuation under the aforesaid order. Shri N.K. Singh has also placed on record copy of another order dated 02.05.2017 which reads as under:-

“It has been decided by the Hon’ble Lt. Governor, Delhi that the notification dated 30/09/2016 enhancing age of superannuation of GDMOs and Non-teaching Specialists working under Health and Family Welfare Department, Govt. of NCT of Delhi, from 62 years to 65 years shall not be given any retrospective operation.”

This order is in the nature of clarificatory order stating therein that the benefit of enhancement of age from 62-65

years shall not be given any retrospective operation. In so far as the present applicants are concerned, they are governed by the order dated 30.09.2016 and their age of superannuation shall stand enhanced/extended up to 65 years. With the aforesaid observations, these OAs are disposed of.

(K.N. Shrivastava)
Member (A)

(Justice Permod Kohli)
Chairman

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