

**Central Administrative Tribunal
Principal Bench, New Delhi.**

OA No.3571/2018

Reserved On:20.09.2018

Pronounced On:27.09.2018

Hon'ble Mr. V. Ajay Kumar, Member (J)
Hon'ble Mr. A.K. Bishnoi, Member (A)

Dr. Chandra Shekhar Sahukar,
Aged 60 years, Sr. Citizen, Group 'A',
Former Deputy Commissioner (AH),
Department of Animal Husbandary
& Dairying,
Ministry of Agriculture,
Krishi Bhawan,
New Delhi – 110 001.
Resident of C-376, DDA Flats,
East Loni Road,
Delhi -110 093.

....Applicant

(Applicant in person)

Versus

1. Secretary,
Department of Animal Husbandary &
Dairying, Ministry of Agriculture,
Krishi Bhavan,
New Delhi-110 001.
2. Secretary,
Department of Personnel & Training,
North Block,
New Delhi – 110 001.
3. Secretary,
Ministry of Health and Family Welfare,
Nirman Bhawan,
New Delhi – 110 001.

...Respondents

ORDER

By Hon'ble Mr. V. Ajay Kumar, Member (J)

The applicant, a retired Deputy Commissioner (Animal Husbandry) and a Veterinary Doctor, filed the OA challenging the Annexure A-1 letter dated 19.12.2016 whereunder the request of the Indian Veterinary Association to extend the age of retirement of Veterinarians also to 65 years on the lines of enhancement of retirement age of medical doctors, was rejected.

2. Heard the applicant, who appears in person.

3. Fixing of age limit for a particular set of Government employees, keeping in view the availability, need, public interest etc., of such set of Government employees, is the prerogative of the Government. No Government servant can compel the Government to enhance the age limit to any particular number of years. The Hon'ble Apex Court in **P.U. Joshi & Others Vs. Accountant General, Ahmedabad and Others, 2003 (2) SCC 632** has observed as under:-

“10. We have carefully considered the sub-missions made on behalf of both parties. Questions relating to the constitution, pattern, nomenclature of posts, cadres, categories, their creation/abolition, prescription of qualifications and other conditions of service including avenues of promotions and criteria to be fulfilled for such promotions pertain to the field of Policy and within the exclusive discretion and jurisdiction of the State, subject, of course, to the limitations or restrictions envisaged in the Constitution of India and it is not for the Statutory Tribunals, at any rate, to direct the Government to have a particular method of recruitment or eligibility criteria or avenues of promotion or impose itself by substituting its views for that of the State. Similarly, it is well open and within the competency of the State to change the rules relating to a service and alter or amend and vary by addition/substruction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the

administrative exigencies may need or necessitate. Likewise, the State by appropriate rules is entitled to amalgamate departments or bifurcate departments into more and constitute different categories of posts or cadres by undertaking further classification, bifurcation or amalgamation as well as reconstitute and restructure the pattern and cadres/categories of service, as may be required from time to time by abolishing existing cadres/posts and creating new cadres/ posts. There is no right in any employee of the State to claim that rules governing conditions of his service should be forever the same as the one when he entered service for all purposes and except for ensuring or safeguarding rights or benefits already earned, acquired or accrued at a particular point of time, a Government servant has no right to challenge the authority of the State to amend, alter and bring into force new rules relating to even an existing service”.

4. As on today, the applicant is a retired Deputy Commissioner (Animal Husbandry). Even if the respondents enhances the age limit of the Veterinary Doctors also, the same cannot be made applicable to the applicant.

5. In the circumstances and for the aforesaid reasons, we do not find any merit in the OA and accordingly dismiss the same. No costs.

(A.K. Bishnoi)
Member(A)

(V. Ajay Kumar)
Member (J)

RKS