

**Central Administrative Tribunal
Principal Bench**

OA No.693/2017

New Delhi, this the 12th day of July, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Mr. Pradeep Kumar, Member (A)**

Dr. M. R. Chandrasekhar
Group 'A'
Presently posted as Dean
Medical College,
S/o Shri M. Rajsekhar
Aged about 62 years,
R/o Type VI Qrs. ESIC Medical College Campus,
Gulbarga 585106,
Karnataka. Applicant.

(By Advocate, Shri Nilansh Gaur)

Vs

1. Union of India
Ministry of Labour and Employment
Through its Secretary
Govt. of India
Shram Shakti Bhawan,
Rafi Marg,
New Delhi 110 001.
2. Employees State Insurance Corporation
Through its Director General
Panchdeep Bhawan,
CIG Road,
New Delhi. Respondents.

(By Advocate, Shri Amit Chawla for Shri Amit Kumar)

: O R D E R (ORAL) :

Justice L. Narasimha Reddy, Chairman:

The applicant was functioning as Dean in the Faculty of ESIC Medical College, Gulbarga, Karnataka. The age of superannuation for the post was 62 years. In the recent

past, the Central Government took a policy decision to enhance the age of superannuation of Non-teaching Specialists in Government hospitals and similar institutions to 65 years. However, a rider was added that beyond the age of 62 years, no Medical Officer shall be entitled to hold any administrative post. Through order dated 30.12.2016 (Annexure-A), ESI Corporation has adopted the facility of enhancing the age of superannuation to 65 years for its Medical Officers.

2. This OA is filed with a prayer, *inter alia*, to declare that the age of superannuation of the applicant is 65 years, and that he is entitled to hold the post of Dean of Medical College at Gulbarga upto the age limit of 65 years.

3. The respondents have filed a detailed counter affidavit opposing the OA. It is stated that basically the applicant is not entitled for the benefit of enhanced age of superannuation since he is on teaching side, and at any rate, his being continued as Dean upto the age of 65 years does not arise. At this stage of hearing, the applicant has given up the prayer to continue as Dean upto the age of 65 years.

4. We heard Shri Nilansh Gaur, learned counsel for the applicant and Shri Amit Chawla for Sh. Amit Kumar, learned counsel for the respondents.

5. The Government maintained a clear distinction between the doctors, who are on teaching side on the one side and those on non-teaching side, in the context of extending the benefit of the age of superannuation of 65 years. Further, the benefit was mostly to those engaged in hospitals. Assuming that the institution where the applicant is working deserves to be treated as hospital, the fact remains that the applicant as on today, is on teaching side.

6. Placing reliance on FR 56 (bb), the applicant contends that he is entitled to opt for non-teaching side even at this stage. However, it is a matter which needs to be considered as and when the applicant makes a representation to the competent authority. As of now, we are not inclined to grant the relief, prayed for, by the applicant. However, it is left open to the applicant to make a representation to the appointing authority claiming relief, whatever he intends to. The OA is accordingly disposed of. In case the representation is

made, appropriate orders thereon shall be passed within a period of three months.

(Pradeep Kumar)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/pj/