

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI**

**O.A No. 727/2018
M.A 1333/2018 & M.A 3446/2018**

New Delhi, this the 31st day of August, 2018

**Hon'ble Mr. Justice L. Narasimha Reddy, Chairman
Hon'ble Ms. Aradhana Johri, Member (A)**

Dr. (Mrs.) Vinita Goel (Group-A Officer),
W/o. Dr. T. K. Goel,
R/o. G-151, Pushkar Enclave,
Paschim Vihar, New Delhi – 110 063.Applicant

(By Advocate : Mr. Ishan Goel)

Versus

1. Govt. of NCT of Delhi,
Through its Chief Secretary,
Delhi Secretariat, I.P. Estate, New Delhi.
2. Directorate of Ayush,
Homeopathic Wing,
Through its Director/Deputy Director,
A&U Tibia College Campus, Karol Bagh,
New Delhi – 110 005.
3. Ministry of Ayush,
Through its Secretary, AYUSH Bhawan,
'B' Block, GPO Complex, INA,
New Delhi – 110 023.Respondents

(By Advocate : Mr. J. P. Tiwari for R-1 and Mr. Kapil Agnihotri)

O R D E R (O R A L)

Justice L. Narasimha Reddy, Chairman :

This O.A is filed with a prayer to direct the respondents to pay the salary to the applicant for the period between 01.09.2016 to 09.02.2018. The brief facts relating to the

case are that the applicant is working as a Doctor in Homeopathy Department of Government of NCT of Delhi. Through order dated 16.12.2015 she was sought to be retired on completion of 60 years. At that stage, she filed O.A No. 2978/2016 claiming the benefit of enhancement of age of retirement, up to 65 years. That O.A was allowed, together with other O.As, on 05.09.2017. However, no direction was issued as to the manner in which the period beyond 60 years of service of the applicant shall be treated. Thereafter, the applicant filed O.A No. 4516/2017 claiming the relief of payment of salary for that period. The O.A was disposed of on 20.12.2017 leaving it open to the applicant to file a representation in this behalf and directing the respondents to pass order thereon. The representation is said to be pending. It is with this background that the present O.A is filed.

2. On behalf of the respondents M.A No. 3446/2018 is filed. According to them, the present O.A is not maintainable particularly when the W.P. (C) No. 3049/2018 in relation to the very matter is pending.

3. Heard Mr. Ishan Goel, learned counsel for applicant and Mr. Kapil Agnihotri, learned counsel and Mr. J. P. Tiwari, learned counsel for respondent no.1.

4. This is the third O.A filed by the applicant in relation to her claim for remaining in service beyond 60 years. The first O.A was allowed but no direction was issued as to the manner in which the period beyond 60 years must be treated. In the 2nd O.A filed for payment of salary for that period, an order was passed leaving it open to the applicant to file a representation. It is at this stage, that the respondents filed W.P. (C) No. 3049/2018 before the Hon'ble Delhi High Court. At one stage of Writ Petition, order was passed by the High Court to the effect that it shall be open to the applicant herein to work in the post but without claiming salary.

5. When this is the state of affairs, there is no way the relief can be granted to the applicant in this O.A. Depending upon the outcome of the Writ Petition, now pending before the Hon'ble High Court, the applicant can pursue the remedies available to her in accordance with law.

6. With this observation, we dispose of the O.A as well as M.A. There shall be no order as to costs.

(Aradhana Johri)
Member (A)

(Justice L. Narasimha Reddy)
Chairman

/Mbt/