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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 610/2018

MINISTRY OF AYUSH

..... Petitioner

Through: Mr. Satyendra Kumar, Advocate with
Ms. Deepa Sharma, Deputt.
Representative.

versus

DR. KANWAL S. SETHI

..... Respondent

Through: Mr. Sagar Saxena and Mr. Gulshan
Sharma, Advocate.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

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15.11.2018

The Ministry of AYUSH, Government of India, has preferred the present writ petition to assail the order dated 05.09.2017 passed by the Central Administrative Tribunal, Principal Bench, New Delhi ('the Tribunal') in OA No.2442/2017 preferred by the respondent.

The respondent is a Homeopathy Doctor working under the Ministry of AYUSH. At the relevant time, she was serving as Advisor in the Ministry of AYUSH, Homeopathy Wing. She sought enhancement of her age of retirement to 65 years on the premise that the retirement age of GDMOs under CHS had been raised to 65 years. The Tribunal allowed the respondents Original Application. Hence this petition.

We have disposed of several other writ petitions preferred by the Government of India [in W.P.(C) 8704/2017, 637/2018, 644/2018 &

9461/2018] assailing the orders of the Tribunal, wherein the Tribunal has held that the respondents-applicants (who were Ayurvedic Doctors) were entitled to enhancement of the age of retirement to 65 years on the basis of the Governmental order dated 31.05.2016 which was made in respect of the GDMOs of CHS.

Like in those cases, in the present case as well, after the impugned order was passed by the Tribunal, the Government has itself decided to enhance the age of superannuation of AYUSH doctors-which covers Homeopathy Doctors as well, to 65 years w.e.f. 27.09.2017.

For the reasons recorded in our order of date in W.P.(C) 8704/2017, we dismiss this petition as well. While doing so, we may observe that we have not gone into the legality of the impugned order, and in the exercise of our discretion under Article 226 of the Constitution of India, we refrain from interfering with the impugned order.

In case the respondent has served after she attained the age of 60 years, and continues to serve the petitioner even now, the petitioner is directed to release the arrears of salary and allowances to the respondent, within four weeks from today. She shall be paid her salary and other allowances in future till the respondent attains the age of superannuation of 65 years. However, it is made clear that the respondent shall not be assigned any administrative duties in terms of the Governmental decision.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 15, 2018/nn