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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9116/2020, CM APPL. 39816/2022 -Dir. by Petr. & CM
APPL. 39817/2022 -Ex.

DR NEERA VYAS

..... Petitioner

Through: Dr.K.B.S.Rajan, Sr. Adv.

versus

MINISTRY OF AYUSH AND OTHERS

..... Respondent

Through: Mr. Rakesh Kumar, CGSC with Mr.
Sunil, Adv.

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

27.05.2024

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1. The present writ petition under Articles 226 and 227 of the Constitution of India seeks to assail the order dated 18.09.2020 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No. 904/2020. Vide the impugned order, the learned Tribunal has dismissed the petitioner's Original Application (O.A.), wherein the petitioner had prayed that she be permitted to render services till the age of 65 years.
2. Both sides submit that the issue raised in the present petition stands decided against the petitioner by way of the decision dated 16.08.2023 in Civil Appeal no. 3339 of 2023 titled *Central Counsel for Research in Ayurvedic Science and Anr vs. Bikartan Das & ors.* Learned counsel for the petitioner however submits that irrespective of the dismissal of the present petition the petitioner is entitled to receive



salary for the period between 01.04.2019 to 01.06.2020, during which period she had rendered service beyond the age of 60 years on account of the interim order passed by the Tribunal.

3. It may be noted that even though the learned Tribunal has vide the impugned order finally dismissed the O.A., it had on 19.03.2019 while issuing notice in the OA, directed the respondents to permit the petitioner to continue to render her services *albeit* without any wages. This interim order was passed by the Tribunal by relying on the interim order dated 12.09.2018 passed by this Court in W.P.(C) 9554/2018. However, after the decision of the Apex Court in Civil Appeal No. 2476/2020 vacating the aforesaid interim order dated 12.09.2018 was passed, on 15.07.2020 the learned Tribunal also vacated the interim order in favor of the petitioner and consequently she rendered services beyond the age of 60 years for the period between 01.04.2019 to 23.07.2020.
4. Learned counsel for the petitioner submits that since the interim order dated 19.03.2019, pursuant where to the petitioner had rendered service was based on this Court's order passed in W.P.(C) 9554/2018, the petitioner should, also on account of the directions issued by the Apex Court vide its order dated 01.06.2020 in Civil Appeal No. 2476/2020, be paid wages for this period during which she had rendered services similar to those rendered by the petitioner in W.P.(C) 9554/2018.
5. Learned counsel for the respondents are not in a position to deny that the ratio of the decision dated 01.06.2020 of the Apex Court would be applicable to the facts of the present case as well.



6. In the light of the aforesaid stand taken by the parties, while we dismiss the writ petition along with all pending applications, in accordance with the directions issued by the Apex Court, which will also be applicable to the present case, we direct the respondent no.3 to release the salary of the petitioner for the period between 01.04.2019 to 12.06.2020, subject to verification of her service record, including the attendance register. Payment in terms of this order will be made to the petitioner within four weeks.

REKHA PALLI, J

SAURABH BANERJEE, J

MAY 27, 2024/al