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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 9554/2018, CM APPL. 37179/2018 -Stay & CM APPL. 8451/2023 -Dir. by Petr.

DR. SALMA KHATOON

..... Petitioner

Through: Mr. Ankur Chhibber, Mr. Yogesh Kumar Mathur, Mr. Harkesh, Advs.

versus

MINISTRY OF AYUSH AND ORS.

..... Respondent

Through: Mr. Kirtiman Singh, CGSC with Mr. Waize Ali Noor, Mr. Varun Pratap Singh, Mr. Kartik, Mr. Varun Rajawat, Advs. for UOI.
Mr. Kumar Onkareshwar, Adv. for R-3.

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 21.08.2018 passed by the learned Central Administrative Tribunal (the Tribunal) in O.A. No.335/2018. Vide the impugned order, the learned Tribunal has dismissed the Original Application filed by the petitioner wherein she had sought quashing of the order dated 17.01.2018 issued by the respondent no. 3 and had prayed that she be permitted to continue in service 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 12.09.2018 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 this Court.

3. Learned counsel for the petitioner submits that while issuing notice in the present petition, this Court had vide its interim order dated 12.09.2018, permitted the petitioner to continue to render service albeit without any salary. This interim order was assailed by the respondents before the Apex Court, which appeal came to be allowed vide order dated 01.06.2020 passed in Civil Appeal No. 2476/2020. However, while vacating this Court's interim order dated 12.09.2018, the Apex Court directed that the petitioner be paid salary for the period during which she had rendered service pursuant to the said interim order. Consequently, it was directed that in the event, the petitioner was found to have actually worked beyond the age of sixty years, she would be entitled to salary for the period she had rendered service pursuant to the order passed by this Court.
4. Learned Counsel for the respondent is not in a position to deny that in terms of the order dated 01.06.2020, the petitioner is required to be paid salary for the period she rendered service in terms of this Court's interim order dated 12.09.2018. They, however, pray that the task of verifying the petitioner's service record be left to the respondent.
5. 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, we direct the respondent no.3 to release the salary of the petitioner for the period between 12.09.2018 to 01.06.2020, 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