

IN THE HIGH COURT OF DELHI AT NEW DELHI

SUBJECT : SERVICE MATTER

Writ Petition (Civil) No. 1005/2008

Decided on: July 17, 2008

1. All India GDMO Association
Through its President
Flat No.2, North Avenue,
New Delhi-110001

2. Dr. B.B. Jena
S/o Late Sh. Banamali Jena
R/o 21/69, Lodhi Colony,
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Office Address:
Medical Superintendent
L.B.S. Hospital,
Khichripur, Delhi-110091

3. Dr. N.C. Hazarika
S/o Late Sh. D. Hazarika
R/o A-102, Prag Jyotishpur Apptt.
Sector-10, Pocket-7,
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Office Address:
CDMO,
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New Delhi-110075.

4. Dr. L.K. Barwah
S/o Late Sh. C.K. Barwah
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5. Dr. B.N. Acharya
S/o Late Sh. Banshidhar Acharya
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6. Dr. P.C. Samal
S/o Sh. B.Samal
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Office Address:
Additional Director,
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7. Dr. C.M. Sahoo
S/o Sh. V. Udayanath Sahoo,
R/o C-50, Pocket-B,
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Office Address:
CDMO, East District,
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Delhi-110092.

8. Dr. Natabar Samal
S/o Sh. Panchanan Samal
R/o A-25, Aakash Ganga Apartments,
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Office Address:
Guru Gobind Singh Govt. Hospital
GNCTD, Raghbir Nagar,
New Delhi.

9. Dr. S.K. Sonar
S/o Sh. D.B. Sonar
R/o C-13, Mother Apptt.
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Office Address:
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Hari Nagar, New Delhi.

10. Dr. Nilomani Sarma
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Office Address:
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New Delhi.

11. Dr. Anil Mehra
S/o Late Sh. K.N. Mehra
R/o 686, Gali No.11,
Bhola Nath Nagar,
Shahdara, Delhi.

Office Address:
Aruna Asaf Ali Govt. Hospital,
Rajpur Road, Delhi.

12. Dr. (Mrs.) Sushil Kumari Aggarwal
W/o Dr. S.C. Aggarwal,

R/o D-II/170, Kaka Nagar,
New Delhi-110003

Presently posted as:
Chief Medical Officer
Delhi Administration Dispensary,
Situating at 4488, Street: Shaheed Bhagat Singh,
Shora Kothi, Pahar Ganj,
Delhi-110005

13. Dr. K.D. Joshi
S/o Sh. J.D. Joshi
R/o 294/22, Urban Estate,

Gurgaon.

Office Address:
O/o The CDMO, South West Distt.,
Govt. of NCT of Delhi,
Sector-2, Dwarka,
New Delhi.

..... Petitioners

Through : Mr. D.S. Chaudhary, Adv.

Versus

Union of India
Through the Secretary
Ministry of Health & Family Welfare
Nirman Bhavan
New Delhi-110011.

..... Respondent

Through : Mr. R.V. Sinha, Adv. with
Mr. Manish Tiwari, Adv.

CORAM:
HON'BLE MR. JUSTICE MADAN B. LOKUR
HON'BLE MR. JUSTICE J.R. MIDHA

MADAN B. LOKUR, J. (ORAL)

The Petitioner is aggrieved by an order dated 28th January, 2008 passed by the Central Administrative Tribunal, Principal Bench in OA Nos.2232/2007 and 200/2008.

The short question before the Tribunal was whether the age of superannuation of General Duty Medical Officers (GDMOs) should be increased from 60 to 62 years as has been done in the case of non-teaching specialist sub cadre, teaching specialist sub cadre and public health sub cadre.

The Petitioners relied upon a decision of this Court in Dr. Asha Aggarwal & others vs. Union of India (WP(C) Nos. 460, 557, 643 and 2115/2007 decided on 11th January, 2008). In that decision, this Court has mentioned that it is prima facie of the view that the Government was not justified in excluding GDMOs from an enhancement in the age of

superannuation. However, the Court did not express any final opinion and left the matter to be decided by the 6th Central Pay Commission.

Following the order passed by this Court, the Tribunal also passed a similar order which is now under challenge before us.

The matter appears to have been taken up for consideration by the 6th Central Pay Commission and its observations are mentioned in paragraph 6.2.4 of its report. The 6th Central Pay Commission, in sum and substance, did not agree or recommend any change in the current age of superannuation. The relevant part of the report of the 6th Central Pay Commission in this regard reads as follows: -

“Besides, the entire import of this Report is towards maintaining a youthful profile of the bureaucracy that will be more dynamic, result oriented and better attuned to the needs of their constituents. In fact, the Commission has recommended liberalization of the extant pension rules with full pension being granted on completion of 20 years service so as to facilitate early exit of willing employees from the Government. In such scenario, no rationale exists for recommending any further increase in the age of superannuation. The Commission is also not in favour of recommending a blanket increase in the age of superannuation for all General Duty Medical Officers belonging to Central Health Service. The Commission recommends that the current age of superannuation should be maintained. Further, except in the case of scientist and Medical Specialists, no extensions should be given in any other case. Tenure based posts should be filled by incumbents who have sufficient period of service left before the stipulated age of retirement. Medical Specialist and Scientists may, however, be allowed extension of service of upto 2 years on a case by case basis.”

In view of the report of the 6th Central Pay Commission, we cannot find any fault in the decision taken by the Tribunal.

We make it clear that we have not gone into the various averments made by the Respondent seeking to justify maintaining a different age of superannuation.

There is no merit in the writ petition.

It is accordingly, dismissed.

Sd./-

MADAN B. LOKUR, J

Sd./-

J.R. MIDHA, J

JULY 17, 2008

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