

\$~8

\*

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

+

W.P.(C) 14112/2018 & CM APPL. 54981-54982/2018

DR R B S TYAGI

..... Petitioner

Through: Mr. Sahib G.S. Mahendru, Mr.  
Siddhant Rai Sethi and Mr. D.  
Meneges, Advocates alongwith  
petitioner in person

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Arti Bansal, Advocate for  
Respondents nos. 1 and 2

Mr. Tushar Sannu and Mr. Udit  
Kokantnankar, Advocates for  
Respondent nos. 3 and 4

Mr. G.D. Mishra, Standing Counsel  
for Respondent no.5/East Delhi  
Municipal Corporation

**CORAM:**

**HON'BLE MR. JUSTICE PRATEEK JALAN**

**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**

%

**31.12.2018**

**CM APPL.54982/2018 (for exemption)**

Application is allowed, subject to just all exceptions.

Application stands disposed off accordingly.

**CM APPL.54981/2018 (for stay)**

The petitioner is aggrieved by an order dated 28.12.2018 passed by the Central Administrative Tribunal whereby his interim application for continuing in service until the age 65 years has been rejected.

Learned counsel for petitioner relies upon the judgement of this Court dated 14.10.2014 in **W.P.(C) 2780/2011 tiled as Dr. Chandra Shekhar Sahukar Vs. Union of India**, wherein this court had noted that the Pay Commission recommended complete parity between the conditions of the services of Dentist and Veterinarians. On this basis, this Court had directed that Veterinarian Officers such as the petitioner be granted the benefit of the Dynamic Assured Career Progression Mechanism. By the order of the Hon'ble Supreme Court dated 30.01.2018, challenge of the Union of India to the said judgement was rejected

Learned counsel for the petitioner also relies upon an order of the Hon'ble Division Bench dated 28.08.2018 passed in the case of another Veterinarian Officer, W.P.(C) No. 9042/2018 (**Dr. Jagbir Singh Vs. Union of India**), wherein, by way of an interim arrangement, this court had accepted the contention of the petitioner that he would be willing to continue in service without receiving another salary and had directed accordingly.

Learned counsel for respondents submit that as of now there is no order of the Union of India to extend the age of the retirement of Veterinarian Doctors from 60 to 65 years of age. It is also pointed out that the case of **Dr. Jagvir Singh Vs. Union of India and Dr. M.L. Sharma Vs. Union of India, in W.P.(C) 9042/2018 and W.P.(C) 11495/2018** (respectively) were disposed of by this Court vide order dated 15.11.2018, with leave to the petitioner to make representations to their employer, and

direction to the concerned respondents to deal with the representations of the petitioners within a specific time frame. The interim order dated 28.08.2018 in W.P(C) No. 9042/2018 was vacated.

In view of the fact that no orders have been issued in respect of the enhancement of the retirement age of Veterinarian Doctors, we are not inclined to interfere with the interim order passed by the Tribunal. If petitioner succeeds before the Tribunal, consequential orders will be passed by the Tribunal in this regard. However, keeping in mind the petitioner's contentions, the judgement passed by this court in Dr. Chandra Shekhar Sahukar (supra) and the enhancement of the retirement age in respect of Doctors of the Ayush Department, we request the Tribunal to dispose of O.A. preferably within two months from the date of receipt of this order. The impugned order records that the O.A. is already listed on 07.01.2019,

The writ petition is disposed of.

**PRATEEK JALAN**  
**(VACATION JUDGE)**

**SANJEEV NARULA**  
**(VACATION JUDGE)**

**ECEMBER 31, 2018**  
savita