

(2008) 07 DEL CK 0082

In the Delhi High Court

Case No : Writ Petition (Civil) No. 1005 of 2008

All India GDMO Association and Others

APPELLANT

Vs

Union of India (UOI)

RESPONDENT

Date of Decision : 17-07-2008

Acts Referred:

Citation : (2008) 152 DLT 496

Hon'ble Judges : Madan B. Lokur, J;J.R. Midha, J

Bench : Division Bench

Advocate : D.S. Chaudhary, for the Appellant; Manish Tiwari, for the Respondent

Final Decision : Dismissed

Judgement

Madan B. Lokur, J.—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.

2. 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 and Ors. v. 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.

3. 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 favor 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 up to 2 years on a case by case basis.

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

5. 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.

6. There is no merit in the writ petition.

7. It is accordingly, dismissed.