
(2020) 09 CAT CK 0060

In the Central Administrative Tribunal

Case No : Original Application No. 904 Of 2019, Miscellaneous Application No. 1024 Of 2019

Dr. Neera Vyas

APPELLANT

Vs

Ministry Of AYUSH & Others

RESPONDENT

Date of Decision : 18-09-2020

Acts Referred:

Citation : (2020) 09 CAT CK 0060

Hon'ble Judges : Pradeep Kumar, Member (A); R.N. Singh, Member (J)

Bench : Division Bench

Advocate : Sagar Saxena, S.N. Verma

Final Decision : Dismissed

Judgement

R.N. Singh, Member (J)

1. The present Application is filed by the applicant to challenge the impugned order dated 20.02.2019. The applicant has prayed for the following reliefs:-

"I. Quash and set aside the impugned order/s dated 20.02.2019 placed at Annexure A/1 and

II. Direct the respondents to continue the applicants in service till he attains the age of 65 years, with all consequential benefits.

III. Award costs of the proceedings; and

IV. Pass any order/relief/direction(s) as this Hon'ble Tribunal may deem fit and proper in the interest of justice in favour of the applicant."

2. In response to the notice received from this Tribunal, the respondents have filed their reply and the applicant has also filed the rejoinder.

3. With the consent of the parties, the matter has been taken up for final disposal. At the outset, learned counsel for the respondents invites our attention

to the order/judgment dated 04.09.2020 of Hyderabad Bench of this Tribunal in OA No. 926/2019.

It is not in dispute that the order/judgment dated 04.09.2020 referred and relied upon by the learned counsel for the respondents deals with the issue raised in the present OA as well. However, learned counsel for the applicant submits that certain contradictions are there in the said order dated 04.09.2020 and therefore, this Tribunal may refer the matter to the larger bench.

4. We have gone through the order/judgment dated 04.09.2020 of the Hyderabad Bench of this Tribunal and heard the learned counsel for the parties.

5. We are of the view that the Hyderabad Bench of this Tribunal has very meticulously considered all the aspects relevant in the present matter and has passed the order, the operative part whereof reads as under:-

"XVI. To conclude, we are of the view that in view of the rules and law discussed in paras supra, there is no conceivable ground for the Tribunal to intervene on behalf of the applicant. The OA is thus devoid of merit and hence has to be necessarily dismissed. Accordingly, the OA is dismissed. The interim orders issued on 29.10.2019 and 12.02.2020 stand vacated and the MA No.903 of 2019 is accordingly allowed. However, while doing so, we hasten to add that the salary paid to the applicant for rendering services for the period he has worked after his retirement on 31.10.2019, in pursuance of the interim orders of the Tribunal, be not recovered, in consonance with the observations of the Hon'ble Apex Court on 1.6.2020 in CA Nos.2476-2428 of 2020 in CCRUM v. Dr. Salma Khatoon referred to above."

6. We are in respectful agreement with the order/judgment dated 04.09.2020 referred herein above. Accordingly, the present OA is also dismissed with observations as made in the said order/judgment dated 04.09.2020. Pending MA also stands dismissed accordingly. However, in view of the facts and circumstances, there shall be no order as to costs.