

(2021) 11 CAT CK 0049

In the Central Administrative Tribunal

Case No : Original Application No. 2727 Of 2021, Miscellaneous Application No. 3355 Of 2021

Mohd Asalam

APPELLANT

Vs

Ministry Of AYUSH & Others

RESPONDENT

Date of Decision : 30-11-2021

Acts Referred:

Citation : (2021) 11 CAT CK 0049

Hon'ble Judges : Manjula Das, J; Mohd. Jamshed, Member (A)

Bench : Division Bench

Advocate : Arun Bhardwaj, Yogesh Kr. Mahur, Harkesh, Abhishek Sharma, Manish Kumar

Final Decision : Disposed Of

Judgement

Manjula Das, J

1. The applicant who is working with the Indian Medicine Pharmaceutical Corporation Limited, Ministry of Ayush is seeking to set aside the directions of respondent no.3 retiring him with effect from 30.11.2021. He has prayed for a direction to the respondents to continue him to continue in service till he attains the age of 65 years. In support of his case, the applicant relies upon the orders passed by the Tribunal as well as different High Courts.

2. At the very outset, Shri Arun Bhardwaj, learned senior counsel appearing on behalf of the applicant drew our attention to the order dated 23.03.2021 passed by the Hon'ble High Court of Telangana in Writ Petition No.20352/2020 wherein, challenge was made to the order dated 4.09.2020 passed by the Central Administrative Tribunal in a similar case in OA No.926/2019. Relying upon the order of the Hon'ble High Court of Odisha in Writ Petition (Civil) No.30620/2020, the Hon'ble High Court of Telangana, passed the following the following order:

"In view of the above, for the reasons alike in the judgment dated 17.12.2020 rendered by the Odisha High Court in W.P. (C) No.30620 of 2020, this writ

petition is also allowed. However, this order will be subject to the further orders to be passed by the Hon'ble Supreme Court in SLP (Civil) No.4110 of 2021. No order as to costs."

3. Reliance on behalf of the applicant, in this regard, is also placed on the order dated 30.10.2019 passed by the Tribunal in OA No.3142/2019, which reads as follows:

"Heard.

In view of the order passed by the Hon'ble High Court in a similar case of Dr. Salma Khatoon vs. Ministry of Ayush and Ors., WP(C) No. 9554/2018 dated 12.09.2018 and in view of the order passed by a Coordinate Bench of this Tribunal in OA No. 904/2019 dated 19.03.2019, the respondents are directed to continue the service of the applicant beyond 60 years of age but without paying any remuneration. This interim order does not give any equity to the applicant having worked beyond 60 years of age and the interim order is subject to the outcome of the OA.

The respondents are at liberty to file application seeking modification/vacation of this order.

List on 14.11.2019."

4. We are informed that representation dated 22.11.2021 made by the applicant ventilating his grievances has not been responded to.

5. Having heard the learned counsel for the parties, we deem it appropriate to direct the respondents to decide the representation of the applicant in the light of the judgments of the Hon'ble High Courts of Telangana and Odisha.

6. Accordingly, we direct the respondents to pass a reasoned and speaking order on the aforesaid representation of the applicant. Till such time the respondents pass an order, the applicant shall be allowed to continue in service. However, such continuation of the applicant shall be without any remuneration and subject to further orders passed by the Hon'ble Supreme Court in SLP No.4110/2021, preferred against the aforementioned order of the High Court of Odisha.

The OA is disposed of in the above terms. No costs.