



2025:DHC:3499-DB



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

*Date of decision: 09.05.2025*

+ W.P.(C) 9307/2021 AND CM APPL. 28930/2021

YATEENDRA KUMAR .....Petitioner

Through: Mr. K. Venkatraman and Mr.  
Avinash, Advs.

versus

UNION OF INDIA, THROUGH SECRETARY & ORS.

.....Respondents

Through: Ms. Nidhi Raman, CGSC with  
Mr. Arnav Mittal, Adv. for R-1  
and 2/UOI.  
Mr. S. K. Mishra and Mr.  
Saarthak Bansal, Advs. for R-3  
and 4.

**CORAM:**

**HON'BLE MR. JUSTICE NAVIN CHAWLA**

**HON'BLE MS. JUSTICE RENU BHATNAGAR**

**NAVIN CHAWLA, J. (ORAL)**

1. This petition has been filed by the petitioner, challenging the Order dated 23.08.2021 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi, (hereinafter referred to as, 'learned Tribunal') in O.A. No. 1729/2021, titled *Yateendra Kumar v. Union of India & Ors*, disposing of the above OA filed by the petitioner herein with the following direction:

*"5. Assuming that the similar facility has been extended by NDMC to medical doctors,*



*one cannot expect the same pattern for the veterinary doctors. As of now, the rules provide for age of superannuation as 60 years. This very issue fell for consideration before this Tribunal in O.A. No.2289/2018 decided on 30.07.2018. The O.A. was dismissed. That, in turn, was followed in O.A. No.3711/2018 decided on 12.10.2018. We do not find any differentiating factor in this case.”*

2. From the perusal of the above extracts of the impugned order, it would be evident that the learned Tribunal has relied upon its Order dated 30.07.2018 passed in O.A. No. 2298/2018, which in turn had disposed of the said O.A. by leaving it open to the petitioners therein to make a representation to the employer and a direction to the concerned Corporation to take a decision on such representation depending upon the outcome of the W.P.(C) 8704/2017 filed by the North Delhi Municipal Corporation, which was then pending before this Court. We quote the final direction in the order dated 30.07.2018, as under:-

*“8. We, therefore, dispose of the O.A leaving it open to the applicants to make representations to their employer ventilating their grievances, and the concerned Corporation in turn shall take decision depending upon the outcome of the Writ Petition (C) No. 8704/2017 on the file of the Delhi High Court.*

*It is needless to mention that the retirement of the applicants, at this stage, would be subject to the outcome of the steps indicated above. There shall be no order as to costs.”*

3. Therefore, the first mistake that the Tribunal commits in the Impugned Order is that it proceeds on the basis that O.A. No. 2298/2018 had been dismissed by it; the said O.A. was, in fact,



disposed of with the above quoted directions.

4. The learned Tribunal, while passing the Impugned Order dated 23.08.2021, also failed to appreciate that in the meantime, W.P.(C) 8704/2017 had been dismissed by this Court *vide* the Order dated 15.11.2018 with the following directions:

*“11. In view of the dismissal of the writ petitions, we direct the NDMC to make payment of the arrears of salary and allowances to those of the respondent-doctors, who continued to serve with the NDMC even after attaining the age of 60 years and who are still in employment with NDMC, within four weeks from today and to continue to make payment of their salary and other allowances in future punctually till they superannuate at the age of 65 years. However, it is made clear that respondents shall not be assigned any administrative duties in terms of the Governmental decision.”*

5. The above Order dated 15.11.2018 was challenged by the NDMC before the Supreme Court by way of Civil Appeal No. 4578/2021, which had also been dismissed *vide* Judgment dated 03.08.2021.

6. The learned counsel for the petitioner submits that in compliance with the Order dated 30.07.2018 passed in O.A. 2289/2018, the petitioner had made representations to the respondent no. 3 on 30.07.2021 and 10.08.2021, however, received no response thereto.

7. Aggrieved of the representations not being responded by the



respondent no. 3, and claiming parity with Ayush and Allopathic doctors with respect to age of retirement being enhanced to 65 years, the petitioner had filed the O.A. No. 1729/2021.

8. The learned Tribunal, therefore, in ignorance of the events which had taken place in between the passing of the Order dated 30.07.2018 in O.A. 2289/2018 and filing of the O.A. No. 1729/2021 by the petitioner herein, again disposed of the O.A. No. 1729/2021 in terms of the Order dated 30.07.2018.

9. We are of the opinion that for the abovesaid reasons, the impugned order cannot be sustained. It was for the learned Tribunal to now decide the O.A. filed by the petitioner herein on its own merits and keeping in view the Judgment dated 15.11.2021 passed by this Court in W.P. (C) 8704/2017 and the Judgment dated 03.08.2021 passed by the Supreme Court in Civil Appeal No. 4758/2021.

10. Accordingly, the Impugned Order is set aside. The O.A. No. 1729/2021 is restored back to its original number before the learned Tribunal.

11. The parties shall appear before the learned Tribunal on 27<sup>th</sup> May, 2025.

12. As the dispute has been pending adjudication for a long period of time and in the meantime the petitioner has also superannuated, taking the age of superannuation to be 60 years, the learned Tribunal is, therefore, requested to expedite the hearing of the O.A. and decide



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the same on merits, preferably within a period of three months of its first listing. We, however, make it clear that we have not examined the merits of the claim raised by the petitioner herein in O.A. 1729/2021 and the learned Tribunal shall adjudicate the same on its own merits.

13. The petition along with pending application is disposed of in the above terms.

**NAVIN CHAWLA, J**

**RENU BHATNAGAR, J**

**MAY 9, 2025**

*p/kz/jk*

*Click here to check corrigendum, if any*