

CENTRAL ADMINISTRATIVE TRIBUNAL JABALPUR

Order Sheet

Item no.: 34
O.A./724/2021
[RETIREMENT]
[SENIOR CITIZEN]
Court No.: 1

No of Adjournment: 2

Order Dated: 13/12/2021

PROF L N (LAXMI NARAYAN) SARKAR
Vs
M/O YOUTH AFFAIRS & SPORTS

For Applicant(s) Shri Pawan Dwivedi, learned counsel for the applicant
Advocate :

For Respondent(s) Shri Anil Sharma, learned counsel for respondent nos. 1 and 2, Shri Akshay Jain, learned
Advocate : counsel for respondent no. 3

<u>Notes of The Registry</u>	<u>Order of The Tribunal</u>
	Reply has been filed on behalf of the respondents. Learned counsel for the applicant sought for the following interim relief: "The applicants most humbly pray that this Hon'ble Tribunal may kindly be pleased to direct the respondent not to retire the applicants on attaining the age of 62 years pending disposal of present application by this Hon'ble Tribunal, in the interest of justice, otherwise application of the applicants will render infructuous and the applicants will suffer irreparably." From the pleadings, the case of the applicants is that all the applicants are working as Professor with the respondent no. 1. The respondent no. 1 i.e. Lakshmibai National Institute of Physical Education, Gwalior was established in August 1957. The Institute started as an affiliated college of Vikram University, Ujjain and then came into the fold of Jiwaji University, Gwalior in 1964. The Institute was given status of national importance in the year 1973. The College was conferred the status of an Autonomous College of Jiwaji University, Gwalior, in 1982. Thereafter, the respondent institute was declared a "Deemed to be University" by Ministry of human Resources Development vide Notification dated 21.09.1995 on recommendations of University Grants Commission under UGC Act 1956. In the year of 2000, a separate Ministry was created named as Ministry of Culture, Youth Affairs and Sports which was further bifurcated in two Ministries i.e. Ministry of Culture and Ministry of Youth Affairs and Sports in the year 2003. The respondent no. 1 is working under the Ministry of Youth Affairs and sports. It has been submitted by the applicant that as per Annexure A/3, all the regulation orders etc. regarding service, such as pay and allowances, fixation of pay, leave rules, incentives of P.hd/ M.phil, promotion, probation and confirmation etc. and other academic related matters as prescribed by UGC in respect of teaching and other academic staff of the

Universities will be applicable to the teaching and other academic staff of the institute. For all other matters, the rules and orders of the Central Government will be applicable.

The contention of the applicant is that in view of the impugned order, Annexure A/17 and A/18, the applicant nos. 1 and 3 are to be retired on 31.01.2022, whereas as per Annexure A/3 their retirement age is 65 years as prescribed by University Grants Commission.

In view of such a situation, as per Annexure A/3 and also coupled with the judgment passed by the High Court of Madhya Pradesh in the matter of Dr. Meeta Bisariya Vs State of Madhya Pradesh and Others in W.P. no. 24,526/2021 and in the matter of Smt. Shashi Bala Chauhan Vs. State of Madhya Pradesh and Ors. in W.P. No.19104/2020, on which the applicant has relied upon, in the instant case interim is to be granted. In view of the above position, respondents are directed to allow all the applicants to work as Professor till further orders.

List this matter for further consideration on 16.02.2022 during the Circuit Court Sitzings at Gwalior.

The applicant may file rejoinder by the next date.

Ramesh Singh Thakur
Member (J)

/VK/