
(2011) 04 P&H CK 0239

In the Punjab And Haryana At Chandigarh

Case No : C.W.P. No. 23128 of 2010 (O and M)

Shyam Sunder

APPELLANT

Vs

Central Administrative Tribunal and Others

RESPONDENT

Date of Decision : 06-04-2011

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2011) 04 P&H CK 0239

Hon'ble Judges : Tej Pratap Singh Mann, J;M.M. Kumar, J

Bench : Division Bench

Judgement

M.M. Kumar, J.—The instant petition filed under Article 226 of the Constitution is directed against the interim order dated 16.12.2010 passed by the Chandigarh Bench of the Central Administrative Tribunal declining the interim relief of staying the retirement of the Petitioner from the post of officiating Principal.

2. There is a dispute with regard to the age of superannuation of the Petitioner. According to the Respondents, the Petitioner is to superannuate on attaining the age of 58 years, whereas the case of the Petitioner is that he could be retired only at the age of 60/65 years.

3. It is well settled that in cases where the age of retirement is disputed, the grant of interim relief would be an exception. The general rule is not to grant such a relief because if the Petitioner succeeds in persuading the Court then he would become entitled to all the monetary benefits in the shape of pay, pension and other retiral dues. However, if the Petitioner loses, then there is no way that the employer could be compensated and also the persons, who are waiting in queue, would be unnecessarily delayed in their career to advance further. Therefore, in such like cases, the balance of convenience lies in favour of the Respondents.

4. In view of the above, we uphold the order passed by the Tribunal and leave it to the Tribunal to decide the Original Application on merit, as per law.