

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CR No. 4731 of 2016

Date of Decision : 27.07.2016

Ami Lal

....Petitioner

Versus

The Grasim Bhiwani Textile Limited, Bhiwani

....Respondent

CORAM: HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Jagjeet Beniwal, Advocate
for the petitioner.

Surinder Gupta, J. (Oral)

Heard.

The petitioner filed suit for rectification of his date of birth recorded in service record as 01.07.1958 to 08.08.1959, on the basis of documentary evidence available with him. He also sought relief of *ad interim* injunction to restrain the defendant-respondent (his employer) from retiring him till disposal of the case. However, his application was declined by Additional Civil Judge (Senior Division), Bhiwani and also by Ist Appellate Court.

The petitioner has since retired w.e.f. 30.06.2016, as such, his application has become infructuous. Even otherwise, the petitioner has to prove the fact that his actual date of birth is 08.08.1959 by leading evidence and till he succeeds in proving this fact, the Courts have committed no error of law while declining the relief of *ad interim* injunction. Even if, the petitioner succeeds in proving that his date of birth is 08.08.1959, as claimed by him, he will not suffer any irreparable loss as he will get all the monetary benefits. However, in the event of his failing to prove the plea so raised by him, he will be deriving undue benefits by the grant of *ad interim* injunction as prayed for.

This revision has no merit and the same is dismissed.

July 27, 2016

jk

(SURINDER GUPTA)
JUDGE

Whether speaking/non-speaking

Yes/No

Whether Reportable

Yes/No