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

+ **W.P.(C) 2886/2016**

ARVIND KUMAR AND ORS Petitioners
Through: Mr. Lalta Prasad, Adv.

versus

**DIRECTOR ALL INDIA INSTITUTE OF MEDICAL SCIENCES
AND ORS** Respondents
Through: None.

CORAM:

HON'BLE MR. JUSTICE SANJIV KHANNA

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **04.04.2016**

CM No.12090/2016(exemption)

Allowed, subject to all just exceptions.

Application stands disposed of.

WP(C) No.2886/2016

1. The petitioners are aggrieved by order dated 24th February, 2016 passed by Central Administrative Tribunal, Principal Bench, Delhi refusing to grant interim relief.
2. We notice that the Tribunal has listed the OA for hearing on 3rd May, 2016 and observed that in case the petitioners succeed in the OA it would be for the respondents/authorities to implement the order of the Tribunal if in favour of the petitioners.
3. The Tribunal while passing the said order has taken into account various principles applicable when a question of grant of

interim relief is considered. Twin aspects of balance of convenience and irreparable harm have been highlighted and emphasised.

4. During the course of hearing, we had enquired whether age restriction of 50 years was fixed/stipulated in the Recruitment Rules. Counsel submits that he has not examined the Recruitment Rules. The result of the examination was declared on 3rd October, 2015 and the petitioners had filed the OA in question only in February, 2016. The petitioners claim that they had made representations during this time. Irrespective of whether any representations was made, the petitioners could have approached the Tribunal much earlier.

5. In view of the aforesaid position, we are not inclined to interfere with the order dated 24th February, 2016 passed by the Tribunal refusing to grant interim relief. The Tribunal has already observed that if the petitioners succeed in the OA, the respondents would ensure that they would implement the directions issued.

SANJIV KHANNA, J

NAJMI WAZIRI, J

APRIL 04, 2016/ak