

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 28735-2022

Date of Decision: 14.12.2022

**Arun Jaitley National Institute of Financial Management (AJNIFM),
Pali Road, Sector 48, Faridabad**

.....Petitioner

Vs.

Central Administrative Tribunal, Chandigarh and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE G.S. SANDHAWALIA
HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

**Present: Mr. Barjesh Mittal, Advocate,
for the petitioner.**

G.S.SANDHAWALIA, J. (ORAL)

The present writ petition has been filed against the interim order passed by the Central Administrative Tribunal (hereinafter referred to as 'the Tribunal'), on 27.07.2022 (Annexure P-2), whereby the applicant (respondent no. 2 herein), who was to retire at the age of 60, was granted the benefit of *status quo* with regard to the services on account of the decision in CWP No. 20447 of 2020, titled as **Dr. Jogender Pal Singh and others** vs. **Union of India and others**, decided on 01.03.2021, by the Division Bench of this Court whereby it was held that faculty members are entitled to continue in service upto the age of 65 years with Institutes recognized by All India Council for Technical Education.

Learned counsel for the petitioner has submitted that an application for modification of the interim order bearing MA No. 1767 of 2022 (Annexure P-3) has been filed, taking various grounds that the

petitioner is a Central Training Institute and the principles laid down in the judgment of this Court as such could not be applicable. It is further submitted that the pleadings are complete before the Tribunal and is now fixed for 21.12.2022.

Accordingly, learned counsel submits that he would be satisfied if directions are issued to the Tribunal to decide the application of vacation of stay/the original application.

Since the petitioner-institute was not heard at that time when the initial stay order was passed and the relief as such granted, we are not issuing notice to the employee as it would only cause a hardship as such to engage a counsel for defending the matter which we are not deciding on merit as such at this stage.

We have pursued the interim orders passed by the Tribunal, which would go onto show that the matter has been taken at short intervals and that the pleadings were only completed as per order dated 09.11.2022 (copy annexed along with Annexure P-10), and thereafter, the matter was ordered to be listed before the Division Bench and the interim order was continued.

It is not disputed that the employee has superannuated on 30.09.2022 and by virtue of the said order, he continues in service and apparently, no condition as such be imposed also as to whether the said order of *status quo* as such would entitle him to draw any emoluments or refund them in case the original application does not succeed.

In such circumstances, we are of the considered opinion to request the Tribunal to take a call on the application for vacation of stay at

the earliest or if possible to decide the main application.

The writ petition is accordingly disposed of with the aforesaid observations.

(G.S. SANDHAWALIA)
JUDGE

December 14, 2022
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes/No
Whether Reportable	Yes/No