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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment delivered on: 29th July, 2022

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W.P.(C) 11316/2022

DR AJAY CHHABRA & ANR.

..... Petitioner

Versus

UNION OF INDIA AND ORS

...Respondents

Advocates who appeared in this case:

For the Petitioner:

Mr. Sahil S. Chauhan and Mr. Rajat Bhatia,
Advocates.

For the Respondent:

Mr. Jatin Singh, Senior Counsel with Ms. Geetanjali
Tyagi, Advocate for UOI.**CORAM:-****HON'BLE MR JUSTICE SANJEEV SACHDEVA****HON'BLE MR. JUSTICE TUSHAR RAO GEDELA****JUDGMENT****SANJEEV SACHDEVA, J (ORAL)**

1. Petitioner impugns order dated 25.07.2022. Learned counsel for petitioner states that the impugned order is not available as one of the Members of the Tribunal, who was Member of the Bench, is on leave and as such, as per his instructions, the order has not been signed and uploaded.



2. Learned counsel appearing for respondents on advance notice submits that on 25.07.2022, when the petition was listed before the Tribunal, the Tribunal directed to decide the representation of the petitioner within a period of four weeks. He submits that the representation is under consideration and shall be disposed of in accordance with law. He further submits that the said order was a consent order to which petitioner also consented.

3. Learned counsel for the petitioner submits that the petitioner is seeking an interim relief of participation in an interview. The case of the petitioner is that he is aged 51 years and the cut-off age for appointment as Professor is 50 years and he has become overage because of the same. He submits that Government of India, Ministry of Health and Family Welfare had permitted the raising of the upper age limit to 58 years by its letter dated 16.11.2015. He submits that though the said letter is addressed to only six of the newly constituted AIIMS, the AIIMS at Jammu should also comply with the said order and increase the upper age limit to 58 years. He further submits that the interview date was 23.07.2022 and because of the delay in listing of the petition, the date is over.

4. Since the petitioner was only seeking participation in an interview for the said post which was scheduled on 24.07.2022, we are of the view that at this juncture, no interim relief can be granted to the petitioner and the petitioner can agitate his grievance after disposal of



the representation, if aggrieved. In case the representation of the petitioner is acceded to by the concerned authority then, in terms of the said order, the petitioner would be entitled to relief as decided by the said authority. However, for the purposes of the present petition, since it is not in dispute that the order of 25.07.2022, disposing of the Original Application of the petitioner, directing the respondents to decide the representation of the petitioner, is an order passed on consent, no variance of the same can be made by this Court.

5. In view thereof, the petition is disposed of, directing the respondent to abide by the directions issued by the Tribunal by order dated 25.07.2022.

SANJEEV SACHDEVA, J.

TUSHAR RAO GEDELA, J.

JULY 29, 2022

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