
(2022) 02 DEL CK 0104

In the Delhi High Court

Case No : Civil Writ Petition No. 2781 Of 2022

Kendriya Vidyalaya Sangathan

APPELLANT

Vs

Komendra Prakash Gautam & Ors.

RESPONDENT

Date of Decision : 14-02-2022

Acts Referred:

Citation : (2022) 02 DEL CK 0104

Hon'ble Judges : Rajiv Shakdher, J; Talwant Singh, J

Bench : Division Bench

Advocate : Anil Nag, Arun Singh, Devesh Chauvia

Final Decision : Disposed Of

Judgement

Rajiv Shakdher, J

CM APPL. 7980/2022

1. Allowed, subject to just exceptions.

W.P.(C) 2781/2022

2. This writ petition is directed against the interim order dated 25.10.2021, as extended by orders dated 11.11.2021 and 21.12.2021, passed by the

Central Administrative Tribunal [in short "the Tribunal"] in O.A. No.2108/2021.

3. We may note that, before instituting the above-captioned petition, respondent no.1 [i.e., the original applicant] had approached this court by way of

another writ petition i.e., W.P.(C) No.11469/2021. At that point in time, with the consent of the counsel for the parties, the said writ petition was

disposed of at the admission stage itself.

3.1. In the aforesaid writ petition, respondent no.1 had approached the court

against an interlocutory order dated 27.09.2021, passed by the Tribunal in the very same O.A. i.e., O.A. No. 2108/2021.

3.2 To be noted, via the aforesaid O.A., respondent no.1 had assailed the transfer order dated 27.08.2021, passed by respondent no.2 i.e., Deputy Commissioner, Kendriya Vidyalaya Sangathan (KVS), on multiple grounds.

3.3. Since no interim protection was granted by the Tribunal, respondent no.1 was aggrieved that his O.A. [i.e., O.A. No. 2108/2021] will be rendered ineffectual.

3.4. It is in this context that we had observed that the Tribunal needs to examine the matter, and pass directions one way or the other, either with regard to the interim relief sought by respondent no.1 or in the alternative, render a decision in the main matter.

3.5. Furthermore, it is in this context that we had directed that the petitioner/ KVS will maintain status quo till the Tribunal takes up the matter on the next date i.e., on 25.10.2021.

3.6. The judgment in the aforementioned writ petition was rendered on 06.10.2021.

4. Mr Anil Nag, who appears on behalf of the petitioner, says that because the Tribunal has not found time to examine the matter, the status quo continues to obtain, which works to the detriment of the petitioner.

5. To be noted, Mr Devesh Chauvia has joined the proceedings on behalf of respondent no.1.

5.1. The other respondents are official respondents, who are connected to the petitioner. Even according to Mr Nag, they are proforma respondents.

6. We are told that the matter is fixed before the Tribunal today i.e., 14.02.2022.

7. Given this position, the writ petition is disposed of with the direction to the Tribunal to deal with, if not the main matter, at least the interlocutory application filed in O.A. No.2108/2021, as directed [via judgment dated 06.10.2021, passed in W.P.(C) No.11469/2021].

7.1. If for any reason, the matter is not taken up today, the Tribunal will endeavour to deal with the matter, as directed, within the next two weeks.

8. Mr Nag says that the aforementioned directions should suffice, and that the writ petition can be closed.

8.1. Mr Chauvia assures the court that respondent no. 1 will cooperate with the

Tribunal in the disposal of the matter.

9. The writ petition is, thus, disposed of, as noticed above, in the aforesaid terms.

10. Parties will act based on the digitally signed copy of this order.