

(2022) 05 DEL CK 0142

In the Delhi High Court

Case No : Civil Writ Petition No. 7864 Of 2022

Komendra Prakash Gautam

APPELLANT

Vs

Kendriya Vidyalaya Sangathan, Throug Its Commissioner &
Ors.

RESPONDENT

Date of Decision : 20-05-2022

Acts Referred:

Citation : (2022) 05 DEL CK 0142

Hon'ble Judges : Sanjeev Sachdeva, J;Tushar Rao Gedela, J

Bench : Division Bench

Advocate : Anukul Raj, Devesh Chauvia, Diwaker Goel, Anubhav Deep Singh,
Mukul Lather, Shravan, Sushil K. Pandey

Final Decision : Disposed Of

Judgement

Sanjeev Sachdeva, J

1. Petitioner seeks a direction to the Central Administrative Tribunal to decide MA 3638/2021 and a further direction to respondents to pay substantive allowances and salary from September, 2021 onwards.
2. Learned counsel for petitioner submits that petitioner had filed an Original Application before the Central Administrative Tribunal being OA 2108/2021, impugning the transfer order of petitioner from Mathura to Lalitpur which, it is contended, is contrary to the guidelines by the respondents themselves.
3. Learned counsel submits that as no interim protection was granted to the petitioner, petitioner filed a writ petition being W.P. (C) 11469/2021, which was decided on 06.10.2011, directing the respondents to maintain status quo and further directing the Tribunal to take up the petition for hearing on 25.10.2021.
4. He submits that till date the petition has not been disposed of and petitioner is not being permitted to joint at the original place where the petitioner was posted i.e., Mathura and no salary is being paid to the petitioner.

5. Learned counsel for respondent submits that the status quo order passed by this Court on 06.10.2021 was with the understanding that the Tribunal shall dispose of the Original Application on 25.10.2021 itself. He submits that as neither the Original Application nor the stay application were taken up for consideration by the Tribunal on merits, respondents filed a writ petition before this Court being W.P. (C) 2781/2022.

6. Learned counsel submits that by judgment dated 14.02.2022, W.P. (C) 2781/2022 was disposed of directing the Tribunal to deal with, if not the main matter, at least the interlocutory application on the next date i.e., 14.02.2022 fixed before the Tribunal.

7. This Court had further directed that in case it was not possible to take up the matter on the said date, Tribunal would endeavour to deal with the matter within the next two weeks. Learned counsel submits that even as on date neither the application nor the main petition has been taken up for consideration and status quo is being extended from time to time.

8. Parties inform that petition is listed before the Tribunal on 31.05.2022 for final disposal.

9. In view of the above, the petition is disposed of directing the Tribunal to dispose of the main petition on 31.05.2022 and if for any reason it is not possible to dispose of the interim application on 31.05.2022. In case it is not possible to dispose of the interim application on 31.05.2022, the Tribunal shall take up the interim application on day-to-day basis till the same is disposed of.

10. It is clarified that this Court has neither considered nor commented upon the merits of the contentions of either party. All rights and contentions of the parties are reserved.

11. Order dasti under signature of the Court Master.