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

% Judgment delivered on: 14.10.2022

+ **W.P.(C) 14245/2022 & CM APPL. 43504-06/2022**

VIPIN KUMAR TYAGI

..... Petitioner

versus

KENDRIYA VIDYALAYA

SANGATHAN & ORS.

..... Respondents

Advocates who appeared in this case:

For the Petitioners: Mr. Setu Niket and Ms. Esaa Mazumdar, Advocates

For the Respondents: Mr. S. Rajappa and Mr. R. Gowrishankar, Advocates

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

JUDGMENT

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner impugns order dated 29.09.2022 whereby the Tribunal has declined to grant an interim protection to the petitioner and adjourned the matter to 25.11.2022 for completion of proceedings before the Registrar.

2. Petitioner in the Original Application had impugned an order of transfer dated 18.08.2022 whereby the petitioner was transferred from Kendriya Vidyalaya Roorkee to Kendriya Vidyalaya Pathankot.
3. The case of the petitioner is that petitioner has less than two years of service remaining and his wife is working for the Government of Uttarakhand and is presently posted at Khanjarpur, Roorkee and further that his wife is also requiring medical attentions from time to time.
4. On 07.10.2022, learned counsel for the petitioner had submitted, without prejudice to the rights and contentions, that he was willing for a posting but had requested the respondent to consider posting petitioner to a place close to Roorkee. Three locations were indicated.
5. Learned counsel appearing for the respondent under instructions submits that none of the three locations mentioned by the petitioner are vacant.
6. Keeping in view of the fact and circumstances and also the request of the petitioner, we dispose of this petition directing the respondent to consider the request of the petitioner sympathetically for a posting at a reasonably travelable distance from Roorkee, if possible.
7. This direction is without prejudice to the rights and contentions of the parties.

8. Learned counsel for the petitioner submits that the petitioner shall report for duty without prejudice to his pending Original Application on 20.10.2022.

9. The petition is accordingly disposed of in the above terms. However, the respondent shall expeditiously take a decision on the directions issued by this Court preferably before the next date fixed before the Tribunal.

SANJEEV SACHDEVA, J

TUSHAR RAO GEDELA, J

OCTOBER 14, 2022

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