



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

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Date of decision: October 13, 2023

(32) + W.P.(C) 9783/2023 & CM APPLs. 37523-37524/2023

SH PRADEEP SINGH

..... Petitioner

Through: Mr. Saurabh Kumar and  
Ms. Ruchi Kumar, Advs.

versus

KENDRIYA VIDYALAYA SANGATHAN & ORS.

..... Respondents

Through: Mr. S. Rajappa and  
Mr. R. Gowrishankar, Advs.

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**V. KAMESWAR RAO, J. (ORAL)**

1. The challenge in this petition is to an order dated June 7, 2023 passed by the Central Administrative Tribunal ('Tribunal', for short) in OA 1529/2023.
2. Suffice to state that the Tribunal has decided the OA on the basis of its earlier judgment in the case of Dr. Ritu Tyagi v. KVS, OA No. 3573/2022, which was disposed of vide order dated June 2, 2023, wherein the Tribunal has in paragraph 6 stated as under:

*"6. In view of the above discussion, the present OA is dismissed. However, the fate of the applicant shall be subject to the outcome of the decision of the Hon'ble High Court in All India Kendriya Vidyalaya Teachers' Association vs. Kendriya Vidyalaya Sangathan & Ors. (supra). In case the above decision turns in favour of the petitioners in the aforesaid writ petition, the applicant herein, being similarly situated employee*



*would be at liberty to file a representation before the Competent Authority / respondent concerned praying for the same benefits which would be extended to the petitioners therein and for any other directions passed by the Hon'ble High Court. In that eventuality, the respondents would consider and decide the same by passing a reasoned and speaking order, within a period of the six weeks from the date of filing of such a representation, under intimation to the applicant. Needless to say that the principles of natural justice shall be followed."*

3. Concedingly, according to Mr. S. Rajappa, learned counsel appearing for the respondent (s) Dr. Ritu Tyagi has not challenged the order passed by the Tribunal in her OA before this Court. In any case, paragraph 6 of the order which we have reproduced above refers to a decision of the Tribunal, which is pending consideration in this Court in the case of All India Kendriya Vidyalaya Teachers Association v. Kendriya Vidyalaya Sangathan & Ors., W.P.(C) 4985/2023. The said writ petition was listed as item no. 31 (today) and the same has been withdrawn by the learned counsel appearing for the petitioner Association, pursuant to the submission made by Mr. Rajappa that new guidelines have been framed in 2023, by stating that the petitioners therein shall avail the remedy as available to them under the new rules. Further we have been informed that the petitioner herein had filed a separate OA before the Tribunal being OA 2475/2023, which was decided by the Tribunal on September 15, 2023, wherein the following has been stated:

*"At the outset, learned counsel for the respondents submits that the matter is under active consideration of the respondents. Learned counsel for applicant has no objection if the matter is referred to the respondents for consideration. However, he requests that the applicant may be permitted to fill up the*



*transfer form offline, to which, the learned counsel for respondents has no objection.*

*2. In view of the averments made by both the learned counsels for the parties, the present OA is disposed of without going into the merits of the case with direction to the respondents to consider this OA as fresh representation of the applicant and allow him to exercise option for transfer offline and pass a reasoned and speaking order within a period of 15 days from the date of receipt of a certified copy of this order.*

*3. The OA is disposed of in the above manner. No order as to costs."*

4. If that be so, this writ petition, challenging the order dated June 2, 2023 is an earlier OA shall not survive for consideration for the simple reason that the petitioner has sought a remedy under the new guidelines framed on June 30, 2023 in the aforesaid OA 2475/2023. Hence, the petition is closed.

**CM Appls. 37523-37524/2023**

Dismissed as infructuous

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**OCTOBER 13, 2023/jg**