



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

% *Date of Decision: August 22, 2023*

**58**

+ W.P.(C) 11111/2023 & CM APPL. 43158/2023

**VIJESH KUMAR**

..... Petitioner

Through: Mr. Rakesh Kumar Shukla and Ms.  
Nisha Maurya, Advocates.

versus

**KENDRIYA VIDYALAYA SANGATHAN  
& ORS.**

..... Respondents

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

**CORAM:**

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

**HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA**

**V. KAMESWAR RAO (Oral)**

1. The challenge in this Writ Petition is to an order dated August 08, 2023, passed by the Central Administrative Tribunal, Principal Bench, New Delhi (in short '*Tribunal*') in O.A. No. 2344/2023, whereby the Tribunal while considering the prayer for interim relief sought by the petitioner herein, had only issued notice on the Original Application (in short 'O.A.') and directed the completion of pleading by listing the O.A. on October 20, 2023.

2. The grievance of the petitioner as urged by Mr. Shukla is that in the given facts as noted by the Tribunal that the wife of the petitioner is suffering from kidney disease and infact, she has also lost one of kidney, and also the fact that there are not much medical facilities available at Amba (Gwalior),



Madhya Pradesh, the Tribunal should have atleast restrained the respondents from insisting upon, the petitioner joining the place of posting.

3. On the other hand, Mr. Rajappa, appears for the respondents states, this Court can advance the date of hearing before the Tribunal. He assures the Court that he shall file reply to the O.A. on behalf of the respondents much before the date of hearing to be fixed by this Court.

4. Accordingly, we re-notify the date of hearing in the O.A. being O.A. 2344/2023 before the Tribunal as September 18, 2023. We direct the respondents to file reply to the O.A. on or before September 05, 2023 and grant five days thereof i.e. on or before September 10, 2023 to the petitioner herein to file rejoinder to the reply to the O.A. to be filed by the respondents and list the matter on the date fixed i.e. September 18, 2023.

5. Till the date of hearing on September 18, 2023, when the Tribunal shall hear the counsel for the parties, and also till the disposal of the O.A. within two weeks thereafter, the respondents shall not insist upon the joining of the petitioner at Amba in Madhya Pradesh i.e. the place of posting.

6. With the above, the writ petition is disposed of.

**V. KAMESWAR RAO, J.**

**ANOOP KUMAR MENDIRATTA, J.**

**August 22, 2023/akc**