

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF SEPTEMBER  
TWO THOUSAND AND EIGHT  
PRESENT

**THE HON'BLE MR JUSTICE GHULAM MOHAMMED**  
**and**  
**THE HON'BLE MR JUSTICE G.BHAVANI PRASAD**  
**WRIT PETITION NO : 21841 of 2008**

Between:

Rathnam Srinivas S/o. R.Lingaiah  
R/o. 3-5-129, Old Post Office lane, LB Nagar, Hyderabad 74  
**..... PETITIONER**

AND

1The Kendriya Vidyalaya Sangathan, Rep. by its Commissioner  
18-Institutional Area, Shaheed Jeet Singh Marg. New Delhi-  
110602

2The joint Commissioner (Admn.), Kendriya Vidyalaya  
Sangathan 18-Institutional Area, Shaheed Jeet Singh Margh,  
New Delhi-110602

3Sri M.M. Joshi, The Deputy Commissioner ( Academics)  
Kendriya Vidyalaya Sangathan  
18-Institutional Area, Shaheed Jeet Singh Margh, New  
Delhi-110602

4The Deputy Commissioner( Academics) Kendriya Vidyalaya  
Sangathan  
18-Institutional Area, Shaheed Jeet Singh Margh, New  
Delhi-110602

5The Assistant Commissioenr, KVS Hyderabad Region, Picket,  
Secunderabad.

6The Education Officer, KVS, 18 institutional Area, Ahaheed  
Jeet Singh Marg, New Delhi-2

7The Education Officer ( Concerning to CRPF Barkas) KVS,  
Regional Office, Picket, Secunderabad-9

8K.Saseendra, Principal, KV, Golconda, Hyderabad.

9T.P.Punna Rao, Principal, K.V.Nolaraum, Secunderabad.

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India  
praying that in the circumstances stated in the Affidavit filed  
herein the High Court will be pleased to to call for records  
relating to and connected with O.A.No. 608/2008 dated 25-09-  
2008 and to issue a writ in the nature of Mandamusand other  
appropriate writ or order or direction directing the respondents to  
retain the petitioner as Yoga Teacher of Kendriya Vidyalaya, CRPF  
Barkas and to pass

**Counsel for the Petitioner:MR.S.SURYA PRAKASA RAO**

**Counsel for the Respondent No.: MR.B.NARASIMHA SARMA**

The Court made the following :

HON'BLE SRI JUSTICE GHULAM MOHAMMED  
AND

HON'BLE SRI JUSTICE G.BHAVANI PRASAD

WRIT PETITION No.21841 of 2008

ORDER: (Per Hon'ble Sri Justice Ghulam Mohammed)

This writ petition is filed against interim order dated 25-09-2008 passed in O.A.No.608 of 2008 on the file of Central Administrative Tribunal, Hyderabad Bench at Hyderabad.

2. The petitioner filed the above O.A. challenging his transfer to Araria vide order dated 08-09-2008 on administrative grounds. The Tribunal, while granting time to official respondents for filing reply, passed the interim order, which reads as follows:

“Mr. M.C.Jacob takes notice on behalf of the respondents and requested 3 weeks time for filing reply. Post after 3 weeks.

In the meantime, the applicant is at liberty to submit representation, if not already submitted, to the 1<sup>st</sup> respondent explaining his difficulties to comply with the order of the transfer in the middle of the year. On receipt of such representation, the 1<sup>st</sup> respondent shall consider the possibility of transferring him to a nearby place. This exercise shall be completed by the next date of hearing.

Status quo as on today shall be maintained. In case the applicant has already been relieved, he is at liberty to apply for leave depending upon his eligibility, if he is so advised.”

3. The main grievance of the petitioner is that he was transferred to Araria as a punitive measure as he was given relieving order as well as transfer order on the same day. It is seen from the record and impugned order that O.A. is still pending and the Tribunal in its discretion ordered status quo as on 25-09-2008 with regard to transfer order and given liberty to the petitioner to submit a representation to the first respondent and on doing so, the first respondent shall consider the possibility of transferring him to a nearby place.

4. The impugned order was passed on 25-09-2008 as stated above and O.A. was adjourned by three weeks and in the meanwhile, the first respondent was directed to take a decision

on the representation. The time granted by the Tribunal has not expired as on today and it is to be noted that only five days have passed since the date of passing of the impugned order. Since there is no final conclusion reached by the Tribunal and prima facie, it appears there is no jurisdictional error, we are not inclined to entertain the writ petition and express any opinion on the merits of the case. Therefore, the writ petition is dismissed at the stage of admission.

5. However, having regard to the facts and circumstances, we deem it appropriate to direct the Tribunal to dispose of O.A. within two weeks, after a decision is taken by the first respondent on the representation submitted by the petitioner. In case the petitioner is aggrieved by the orders to be passed by the first respondent pursuant to his representation, it is always open to him to seek appropriate relief in the O.A. itself. It is needless to mention that the Tribunal shall consider O.A. on its own merits and decide the matter in accordance with law.

GHULAM MOHAMMED, J.

G.BHAVANI PRASAD, J.

30-09-2008

Note: Furnish copy in three days  
on usual terms.

(b/o)  
bsc