

Item-46

4.10.2002

MA-2225/2002 IN
OA-1802/2002

Present Sh. R.P.Luthra,
counsel for applicant.

Sh. H.Jayaram proxy for
Sh. S.Rajappa,
counsel for respondents.

Heard on MA whereby non-applicant in the OA is seeking a direction to direct the applicant in the OA to join at KV, IL Meerut in terms of Office Memorandum dated 9.8.2002.

The facts in brief are that the applicant has filed an OA challenging the order dated 22.5.2002 transferring the applicant from Kendriya Vidyalaya, Janakpuri, New Delhi to Ordinance Factory, Chanda (Maharashtra). OA was disposed of vide order dated 8.8.2002 with the directions to the respondents that the impugned order dated 22.5.2002 was set aside as far as it refers to the applicant (Smt. Prem Kochhar) and respondents are directed to consider within one month from the date of receipt of a copy of this order, the case of the applicant for her being posted in a nearby Kendriya Vidyalaya, keeping in mind her personal difficulty, related with her husband's visual impairment and consequent inability to move out of Delhi.

Instead of complying with the order, the respondents (applicants in MA) seems to have issued an order on 9.8.2002, i.e., the next day when the OA was disposed of giving promotion to the applicant and posting her at Meerut. So this order is altogether independent order. This has nothing to do with the directions given in the OA and no clarifications with regard to the directions given in the OA is required because

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the directions given in the OA are altogether clear and unambiguous and the same are to be complied with first and thereafter respondents may pass any other order.

At this stage, Sh. Luthra appearing for the applicant on instructions from the client who is also present in Court do not want promotion, so applicants (respondents in OA) are directed to comply with the order given in the order dated 8.8.2002. MA stands disposed of.

Kuldeep Singh
(KULDEEP SINGH)
Member (J)

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