

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2662/99

New Delhi, this the 24th day of July, 2000

HON'BLE SMT. LAKSHMI SWAMINATHAN, MEMBER (J)

In the matter of:

Vishambhar Dayal Varshney S/o Shri Pyare Lal Varshney PGT (Chemistry) Under Kendriya Vidhyalaya Sangathan H.O.D., Commissioner, KVS, New Delhi Previously posted at KVS No.II, ASC, Bareilly.

.... Applicant

(By Advocate: Sh. P.P. Aggarwal)

VERSUS

1. Commissioner, Kendriya Vidhyalaya Sangathan 18, Institutional area Shaheed Jeet Singh Marg New Delhi - 110016.
2. Dy. Commissioner (ACAD) Kendriya Vidhyalaya Sangathan 18, Institutional area Shaheed Jeet Singh Marg New Delhi - 110016.
3. Shri G.D. Gupta Principal, KVS No.2, ASC Bareilly Cantt. (UP)

.... Respondents

(By Advocate: Sh. S. Rajappa)

ORDER (ORAL)

By Mrs. Lakshmi Swaminathan, M (J)

In this application, the applicant has challenged the validity of the orders passed by the respondents dated 21.10.99 transferring him from Kendriya Vidyalaya No.2 Bareilly to K.V. Namrup.

2. The present OA was filed by the applicant on 8.12.99. Learned counsel has also submitted a copy of the order passed by the Hon'ble Allahabad High Court dated 31.3.2000, which is placed on record. After hearing the learned counsel for the applicant at some length prior to lunch break, when Sh. Rajappa was about to make his submissions in the afternoon, Sh. P.P. Aggarwal,

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learned counsel for the applicant has made a submission that he would like to withdraw the OA. This plea has been objected to by Sh. Rajappa, learned counsel for the respondents. He has submitted that after filing the present OA in the Tribunal (PB) on 8.12.99, the applicant had also prayed for interim orders to stay the aforesaid impugned transfer order. After hearing learned counsel for both the parties, this was rejected. He has submitted that the applicant has then filed OA-218/2000 in the CAT, Allahabad Bench on 23.2.2000 and the date of filing of the OA is also confirmed by the applicant, who is present in the Court. Thereafter, it appears that the applicant had also filed a Writ Petition in the Hon'ble High Court of Allahabad which was disposed of by order dated 31.3.2000. In this order, it has been noted, inter alia, that the petitioner has challenged his transfer order dated 21.10.99 before the CAT, where his petition is still pending. Sh. Rajappa, learned counsel for the respondents has submitted that the applicant has not disclosed to the Hon'ble High Court at that time that he has challenged the same transfer order dated 21.10.99, which is the subject matter in issue in the present OA on which the interim order has been rejected. According to him, what has been referred to in the High Court's order is a reference to the application filed by the applicant in the Central Administrative Tribunal, Allahabad Bench and not to this OA in the Principal Bench. He has, therefore, vehemently submitted that the above facts clearly show that the applicant has abused the process of law by filing repeated applications on the same transfer order, first before the Tribunal at Principal Bench, then

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at Allahabad Bench and thereafter the High Court of Allahabad. He has, therefore, opposed the applicant's prayer for withdrawal of the application at this stage.

3. Having considered the above facts and circumstances of the case, Sh. P.P. Aggarwal, learned counsel for applicant has categorically made a submission now that the applicant does not wish to press this OA any further, OA is dismissed. No order as to costs.

4. In view of the above facts, let a copy of this order be issued by the Registrar, CAT, PB to the Deputy Registrar, CAT, Allahabad Bench for information and necessary action.

Lakshmi Swaminathan

(MRS. LAKSHMI SWAMINATHAN)
Member (J)

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