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SLP(C)No. 23469 OF 2003

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO.23469 OF 2003

P. VENUGOPAL

.....
APPELLANT(S)

:VERSUS:

GOVT. OF ANDHRA PRADESH AND ORS.

.....
RESPONDENT(S)

O R D E R

Delay condoned.

It appears that despite the order of the Tribunal granting interim relief order for posting of the petitioner in Circle-II, which order was also affirmed by the High Court, the petitioner was not posted in Circle-II, on the pretext that no vacancies were available there. However, this fact was found to be incorrect since it is mentioned in the order of the Tribunal that four clear vacancies were filled in Circle-II, but they did not post the petitioner. In this background the Tribunal considered it feasible that the posting should be made in compliance with the interim order granted by it and the said order may not be allowed to be bypassed on putting forth incorrect fact about non-availability of the vacancies. The High Court, however, did not advert to that aspect of the matter and allowed the writ petition on the ground that the transfer was an exigency of service. The view taken by the High Court, the background in which the respondent had been avoiding his posting in Circle-II, on the ground of non-availability of post, was not taken into account.

However, without going into the controversy any more, since it is stated on behalf of the respondent that the petitioner has been posted in Circle-II, and is presently working there, this petition is rendered infructuous. The petition thus stands finally disposed of as having become infructuous.

.....J
(BRIJESH KUMAR)

.....J
(ARUN KUMAR)
NEW DELHI;
APRIL 23, 2004.

ITEM No.32

Court No.10

SECTION XIIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.23469/2003

(From the judgement and order dated 21/11/2002 in WP 22585/02
of The HIGH COURT OF A.P. AT HYDERABAD)

P. VENUGOPAL

Petitioner (s)

VERSUS

GOVT. OF A.P. & ORS.

Respondent (s)

(With Appln(s). for c/delay in filing SLP and with
prayer for interim relief and Office Report)

Date : 23/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE BRIJESH KUMAR
HON'BLE MR. JUSTICE ARUN KUMAR

For Petitioner (s)Mr. R. Santhan Krishnan,Adv.
Mr. G. Sateesh,Adv.
Mr. Radha Rani,Adv.

Mr. D. Mahesh Babu,Adv.

For Respondent (s)Mr. Guntur Prabhakar,Adv.

UPON hearing counsel the Court made the following
O R D E R

Delay condoned.

The special leave petition stands finally disposed of in terms of the signed order.

(A.S. BISHT) (V.P. TYAGI)
COURT MASTER

COURT MASTER

[Signed order is placed on the file]