

**A. Bharathi Vs. A.P. Residential Educational Institution Society**

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**Court :** Andhra Pradesh

**Decided On :** Jul-19-2000

**Reported in :** 2000(5)ALT105

**Judge :** G. Bikshapathy, J.

**Acts :** Service Law

**Appeal No. :** W.P. No. 4067 of 1998

**Appellant :** A. Bharathi

**Respondent :** A.P. Residential Educational Institution Society

**Advocate for Def. :** Vijaya Bhaskar Moola, Govt. Pleader

**Advocate for Pet/Ap. :** D.V. Sitharam Murthy, Adv.

**Disposition :** Petition dismissed

**Judgement :**

ORDER

**G. Bikshapathy, J.**

1. The Writ Petition is filed seeking a direction to the respondent to treat the period from 27-9-1995 to 20-12-1996 as on duty and also arrange payment of salary and allowances for the said period to the petitioner. The petitioner was working as a

trained graduate teacher in Telugu at A.P. Residential School for Girls, Vangara and she was transferred from Vangara to Hasanparthy by orders dated 27-5-1995. Accordingly, she was relieved at Vangara and she reported at Hasanparthy on 7-6-1995 duly relieving Smt. Rama Rani, who was posted to Vangara. However, Smt. Rama Rani filed Writ Petition No. 11227 of 1995 challenging her transfer from Hasanparthy to Vangara. On 13-6-1995, the Principal of the A.P. Residential School for Girls, Hasanparthy intimated the authorities that the petitioner joined at Hasanparthy on 7-6-1995. This Court in W.P.M.P. No. 13757/95 directed the respondents to continue Smt. Rama Rani at Hasanparthy. Since the said order was not complied with, Smt. Rama Rani filed a Contempt Case in C.C. No. 465 of 1995. When notice was served, the respondent appeared before this Court on 25-9-1995 and stated that Smt. Rama Rani was relieved on 7-6-1995 and that re-posting orders were issued to Smt. Rama Rani. Against the orders passed by this Court on 25-9-1995, the petitioner filed Contempt Appeal No. 6 of 1995. The Division Bench, while admitting the Contempt Appeal on 29-9-1995, ordered status quo. However, the petitioner was relieved by the Principal, A.P. Residential School for Girls, Hasanparthy on 4-10-1995.

2. The Writ Petition was finally allowed by the learned Single Judge on 7-8-1996. Against the said order, the petitioner preferred an appeal and the Division Bench of this Court set aside the order of the Single Judge upholding the order of transfer. Consequently, the respondent issued proceedings dated 20-12-1996 by which again the petitioner joined at Hasanparthy. The case of the petitioner is that she was not paid the salary from 27-09-1995 to 20-12-1996 on account of her not relieving Smt. Rama Rani from duty at Hasanparthy. Therefore, she seeks appropriate orders from this Court. It is also her case that the management directed her to apply for leave which is also contrary to law.

3. In the counter filed by the respondents, it is stated that the petitioner was transferred on 27-5-1995 and she reported for duty on 7-6-1995. However, the said transfer orders were challenged by Smt. Rama Rani.

4. On 14-6-1995 this Court passed interim orders in Writ Petition No. 11227 of 1995 to continue Smt. Rama Rani at Hasanparthy. Thereafter, in pursuance of the

orders passed in C.C. No. 465 of 1995 and C.A. No. 6 of 1995, the management issued proceedings dated 25-9-1995 treating the order of transfer of the petitioner as cancelled and the petitioner was directed to report at Vangara. Therefore, till such time she was asked to report at Vangara, she was paid salary. Since the petitioner did not report at Vangara in pursuance of the orders of the respondent she was not paid the salary for the period from 27-9-1995 to 20-12-1996 basing on the principle of 'no work no pay'.

5. Learned Counsel for the petitioner strenuously contends that the petitioner was relieved on 4-10-1995 at Hasanparthy and that the relieving order did not specify as to where she should report back. Even at Vangara already another teacher was posted and, therefore, the petitioner could not join at Vangara. Hence, for the lapses of the respondent, the petitioner cannot be denied her salary for the period from 27-9-1995 to 20-12-1996. It is also stated that Smt. Rama Rani was paid the salaries for three months and the case of the petitioner should also be considered on the same lines.

6. I have considered the contentions of the rival parties. I am unable to accept the submissions made by the learned Counsel for the petitioner. Admittedly, in the instant case, transfer order was challenged by Smt. Rama Rani and this Court directed the respondents to continue Smt. Rama Rani at Hasanparthy. Thereafter, she filed C.C.465 of 1995 for non-compliance of the orders of this Court and later, she was reposted to Hasanparthy in pursuance of the orders passed in the contempt case. Therefore, on 25-9-1995, on which date orders were passed in the contempt case, the order of transfer dated 27-5-1995 stood cancelled. Thereafter, the petitioner ought to have reported at Vangara from where she was transferred to Hasanparthy. The grievance of the petitioner is that she could not report at Vangara as already another teacher is posted and she could not physically displace her. The said contention is not sustainable. When she had to report at Vangara, she ought to have submitted her joining report irrespective of the fact as to whether there is a vacancy or not. Having not done so, she is not entitled for any salary as prayed for.

7. In the circumstances, I do not find any merit in this Writ Petition and it is accordingly dismissed. No order as to costs.

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