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Central Administrative Tribunal  
Principal Bench

O.A. No. 310 of 2002

New Delhi, dated this the 6th February, 2002

HON'BLE MR. JUSTICE ASHOK AGARWAL, CHAIRMAN  
HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri D.C. Bhatt,  
T.G.T. (Maths),  
R/o 148, Madhu Vatika,  
Ugal Majra,  
Turner Road, Clement Town,  
Dehradun, Uttaranchal.

.. Applicant

(By Advocate: Shri Anil Srivastava)

Versus

1. The Principal,  
Kendriya Vidyalaya,  
Clement Town, Dehradun.

2. The Commissioner,  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi.

3. Assistant Commissioner,  
Kendriya Vidyalaya Sangathan,  
Hathi Barkala,  
Dehradun.

.. Respondents

ORDER (Oral)

S.R. ADIGE, VC (A)

Applicant impugns Respondents' order dated 10.1.2001 whereby he has been transferred from Kendriya Vidyalaya, Dehradun to Kendriya Vidyalaya, Loktak, Manipur.

2. We have heard applicant's counsel Shri Anil Srivastava.

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3. Applicant had earlier approached the Uttaranchal High Court in WP-47/2001 and the Uttaranchal High Court by their order dated 31.1.2001 disposed of the aforesaid Writ Petition with the observation that transfer being incidence of service, if declined to interfere, but it directed the authorities concerned to take a decision on the representation made by the applicant. Thereafter applicant approached the TGribunal in O.A. No. 634/2001, which was disposed of by order dated 20.3.2001 with a direction to Respondents to consider applicant's representation dated 12.1.2001 in terms of the transfer guidelines and decide the same by passing a speaking, reasoned and detailed order within one month from the date of receipt of a copy of the order.

4. Thereafter the Commissioner, Kendriya Vidyalaya has issued detailed order dated 6.7.2001 (Annexure 5) in compliance of the aforesaid order dated 20.3.2001, whereby applicant's representation has been rejected and he has been directed to join Kendriya Vidyalaya, Loktak, Manipur.

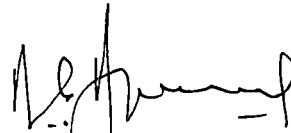
5. The main ground advanced by applicant is against his transfer from Kendriya Vidyalaya, Dehradun to Kendriya Vidyalaya, Loktak, Manipur is that he is suffering from Parkinsons Disease and Thrombosis.

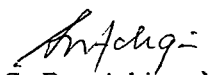
6. In the interest of justice and without considering it necessary to issue notice to Respondents at this stage, we consider it fit and

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proper to dispose of this O.A. with a direction to Vice Chairman, Kendriya Vidyalaya Sangathan to consider the present O.A. filed by applicant as a representation and dispose of the same by a detailed, speaking and reasoned order. In this connection he should permit applicant's counsel Shri Anil Srivastava to make his submissions before him in regard to the applicant's case. These directions should be implemented within two months from the date of receipt of a copy of this order. It will be open to Shri Srivastava to take any additional ground in his submissions to the Vice Chairman, KVS if so advised.

7. Till the Vice Chairman passes orders pursuant to these directions the status quo as of today (6.2.2002) shall be maintained. No costs.

  
(Ashok Agarwal)  
Chairman

  
(S.R. Adige)  
Vice Chairman (A)

karthik