

**CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH, AHMEDABAD.**

OA No.525/2019

This the 03rd day of January, 2020

Laxmi Narayan
Son of Amar Singh
Aged 43 years,
Residing at Balaji Park-II
Defence Colony,
Jamnagar 361 002. Applicant

(By Advocate : Shri Joy Mathew)

VERSUS

1. Kendriya Vidyalaya Sangathan,
Notice to be served through
The Commissioner
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi 110 016.
2. The Assistant Commissioner (Estd.-II/III)
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi 110 016.
3. The Deputy Commissioner
Regional Office,
Kendriya Vidyalaya Sangathan,
Sector 30, Gandhinagar 382 030. Respondents.

O R D E R – ORAL

Per : Hon'ble Shri M.C.Verma, Member (J)

Heard. Matter is at motion hearing stage. Instant OA has been preferred having prayer to quash and set aside Office Order No.F.11 E-11046/2/2019/Estd.-11/2136-2421 dated 18.10.2019

qua the applicant's transfer from Bikaner to Jamnagar and to direct the respondents to re-transfer the applicant to KV No.2, Bikaner.

2. Learned counsel urged that transfer of the applicant from Bikaner to Jamnagar was in contravention to the policy. That as per the Transfer Guidelines of Kendriya Vidyalaya Sangathan, 2018 senior most person had to be transferred and applicant was junior most but to obey the Order of the superiors, relating to transfer, applicant has joined at Jamnagar and had made representation dated 19.10.2019. That respondents still are sitting on said representation and are not taking any decision on the representation. Learned counsel referred to the Policy particularly Clause (h) of Para 7 of Transfer Guidelines for PG Teachers and other upto Assistant Section Officer, 2018, which is an Annexure A-7 of the OA, and contended that an employee being surplus and redeployed at some other station under Para 5(a) may be considered for coming back within one year, if vacancy arises later on at the same station from which he/she was transferred out. He also referred to Clause (d) of said Para-7 and requested to issue notice. He also suggested that OA may be disposed of at this stage also by giving direction to the respondents to decide representation dated 10.10.2019 and 23.10.2019 of the applicant within a time framed.

3. The pleadings reflects that the applicant was appointed as a PG Teacher (Chemistry) in year 2008, and was posted at Agartala, a hard station and thereafter in year 2013 he was transferred to KV-1 AFS, Suratagarh, to another hard station. That in year 2018 he was transferred and posted to KV No.2, Bikaner. That in October, 2019, including applicant there were three Chemistry teachers at Bikaner and applicant was declared surplus and though he was junior most but was transferred from Bikaner to Jamnagar. That applicant made representation requesting the respondents to consider his posting at Kendriya Vidyalaya, Sirsa and on 19.10.2019 also, he submitted another representation requesting the department to post him at any of the five places mentioned in his representation but department did not consider his representation. That on 25.10.2019, after transferring the applicant from Bikaner to Jamnagar, vacancy has arisen at KV No.2, Bikaner and one Smt. Deepti Awatramani was transferred to KV No.2 Bikaner. That said Smt. Deepti Awatramani assailed the order and approached the Jodhpur Bench of this Tribunal and her transfer order has been stayed by the Tribunal. That the Department thereafter, vide letter dated 30.10.2019 had issued direction to allow Smt. Deepti Awatramani, PGT (Chemistry) to join back her duty, at her previous place against ZERO vacancy till further orders. Hence,

is the OA with prayer to quash and set aside Office Order No.F.11 E-11046/2/2019/Estt.-11/2136-2421 dated 18.10.2019 qua the applicant's transfer from Bikaner to Jamnagar and to direct the respondents to re-transfer the applicant to KV No.2, Bikaner.

4. Considered the submissions. The grievances of the applicant, as transpired from submissions made at Bar is that he made representation on 10.10.2019 and thereafter reminder on 23.10.2019 but his representations are pending consideration. Having taken note of entirety, it would be appropriate to dispose of this OA at this motion hearing stage with direction to consider and decide representations dated 10.10.2019 and 23.10.2019 of the applicant within two months from the date of receipt of copy of this order. Ordered accordingly. Needless to say, decision so taken on the representation shall be communicated to the applicant.

5. With the above directions, the OA stands disposed of.

**(M.C.Verma)
Member (J)**

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