

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH**

...

**OA No.290/00312/2019**

**Decided on 05.12.2019**

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**CORAM: HON'BLE MR. SURESH KUMAR MONGA, MEMBER (J)  
HON'BLE MR. A MUKHOPADHAYA, MEMBER (A)**

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Smt. Vandana Lahora D/o Shri Kishanlal Lohara, aged 36 years,  
presently posted at Kendriya Vidyalaya, IIT Campus, Jodhpur (Raj.).

**...APPLICANT**

BY ADVOCATE : Mr. Jog Singh Bhati.

**VERSUS**

1. Kendriya Vidyalaya Sangathan through the Commissioner, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
2. The Assistant Commissioner (Estt.-II), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
3. The Deputy Commissioner, Kendriya Vidyalaya Sangathan (R.O.) 92, Gandhi Nagar Marg, Bajaj Nagar, Jaipur-302016.
4. Smt. Anita Kanwar, TGT Science, Kendriya Vidyalaya No.1, Bikaner (Raj.) 334001.
5. Shri Vimlesh Kumar Singh, The Assistant Commissioner (Estt.II), Kendriya Vidyalaya Sangathan, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.

**RESPONDENTS**

**ORDER (Oral)**

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**Per Hon'ble Mr. Suresh Kumar Monga, Member (J):-**

1. The applicant was initially appointed as a Primary Teacher in Kendriya Vidyalaya in the year 2009. She became eligible to appear in a Limited Departmental Competitive Examination (LDCE), in the year 2018, which she qualified successfully. Consequent thereto, she was promoted as Trained Graduate Teacher (TGT), vide order dated 08.03.2019 and was posted at Kendriya Vidyalaya situated at IIT Campus, Jodhpur. Aggrieved by the said order, the applicant submitted a representation dated 14.03.2019, which was followed by another representation dated 17.05.2019. Since so many similarly situated persons, who were promoted pursuant to qualifying the Limited Departmental Competitive Examination, also felt aggrieved by their posting orders, therefore, the respondents came out with a notification dated 07.06.2019 inviting representations from all of them with regard to their place of posting. The applicant also submitted a representation dated 08.06.2019 in pursuance of said notification issued by the respondents.

2. The applicant's aforesaid representation was dealt with by the respondents and the same was declined and no change in her place of posting was effected. Aggrieved by the said order dated 26.06.2019, the applicant preferred Original Application No.290/144/2019 before this Tribunal. The said Original Application was disposed of by this Tribunal vide order dated 18.09.2019 and the respondents were again directed to entertain the applicant's fresh representation and take a decision over the same. The operative portion of the order dated 18.09.2019 is reproduced hereunder:-

- "4. *It is clear from the pleadings that there was a vacancy in Bikaner for the post of TGT Science for which the applicant had already raised her claim by way of her representations dated 14.03.2019 and 17.05.2019 which was raised after passing of the order of posting dated 08.03.2019 (Annexure A/3). In spite of several accommodations made by the respondents, yet the applicant is shown to be posted at Jodhpur vide order dated 26.06.2019. In these circumstances, as the prayer of the applicant is that if respondents consider her representation sympathetically and pass reasoned and speaking order she would be satisfied.*
5. *Accordingly, applicant is directed to file representation within a week in this regard from the date of receipt of a copy of this order. Thereafter, respondents shall decide the same sympathetically by way of reasoned and speaking order within 04 weeks from the date of receipt of such representation."*

3. Pursuant to aforesaid order passed by this Tribunal, the applicant again submitted a representation which has also been declined by the respondents vide order dated 30.10.2019 (Annexure A1). Aggrieved by the said order, the applicant has preferred the present Original Application. It has been stated in the impugned order that presently there is no vacancy available in any of the Kendriya Vidyalayas at Bikaner. It has further been stated that the respondents have sympathetically considered the applicant's representation. Since the post is not available in any of the Kendriya Vidyalayas at Bikaner, therefore, the applicant cannot be posted at Bikaner.

4. We do not find any error or illegality in the impugned order Annexure A1 as in the absence of a post, the applicant cannot seek her posting at Bikaner pursuant to her promotion order dated 08.03.2019. Finding no merit in the Original Application, the same is hereby dismissed. There shall be no order as to costs.

**(A MUKHOPADHAYA)**  
**MEMBER (A)**

**(SURESH KUMAR MONGA)**  
**MEMBER (J)**

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