

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH
LUCKNOW**

**Original Application No. 332/00510/2019
This the 14th day of October, 2019**

Hon'ble Ms. Jasmine Ahmed, Member - I

Upendra Prasad Tiwari, aged about 34 years son of Prabahaunath Tiwari, R/o Umaraha, Sant Ravidas Nagar, Uttar Pradesh, Presently working as Primary Teacher Kendriya Vidyalaya Sangathan, Kendriya Vidyalaya Amhat, Sultanpur.

..... Applicant
By Advocate: Sri Ashutosh Dhur Dubey.

VERSUS

1. Union of India, through the Secretary, Ministry of Human Resource and Development, New Delhi.
2. Assistant Commissioner, Establishment-II, Kendriya Vidyalaya Sangathan, Head Quarter 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Varanasi, BHU Campus, Varanasi.
4. Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Aliganj, Sector Q, Lucknow.
5. Principal, Kendriya Vidyalaya, 39/GTC, Varanasi.
6. Principal, Kendriya Vidyalaya Amhat, Sultanpur, District - Sultanpur.

..... Respondents
By Advocate: Sri Rajesh Katiyar (R-1)
Sri Gagan Katyaayan (R 2 to 6)

O R D E R (ORAL)

No D.B is available today. However with the consent of both parties' counsel, this O.A is being disposed of.

2. It is the contention of the learned counsel for the applicant that by partial modification of the transfer order dated 22.07.2019, an order dated 31.08.2019 has been issued by the respondents whereby the applicant has been transferred to Amhat, Sultanpur. He further states that in the modified transfer order dated 31.08.2019, the reason mentioned for not

accommodating the applicant at Varanasi where he was earlier posted, is that there was no vacancy of primary teacher. In this regard, he drew my attention to page 39 which is vacancy position of KV- Varanasi Cantt. as on 01.09.2019 wherein in column 7, it is seen that against sanctioned 17 posts of Primary Teacher, 15 posts are occupied and two posts are lying vacant.

3. Learned counsel for the applicant again drew my attention to page 43 which is also vacancy position of KV- Varanasi Cantt as on 05.09.2019. It is seen that on 05.09.2019 there are three vacant posts of Primary Teacher. On query to the applicant whether he has already been relieved, the reply came in affirmative.

4. Taking into account that the applicant has already joined at new place and has preferred a representation to the respondents, respondents/competent authority is directed to take a decision on the pending representation of the applicant by passing a reasoned and speaking order within six weeks from the date of receipt of certified copy of this order.

5. With the above observation and direction, the O.A stands disposed of. It is made clear that nothing has been commented on the merit of the case. There shall be no order as to costs.

(Jasmine Ahmed)
Member (J)

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