

21

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A. NO. 1591/2001  
M.A. NO. 1689/2001  
M.A. NO. 310/2002

This the 23rd day of August, 2002.

HON'BLE SHRI V.K. MAJOTRA, MEMBER (A)

Smt. Chander Mohini Manan  
W/O Kamlesh Kumar,  
R/O C2B/54C, Janakpuri,  
New Delhi.

... Applicant

(None present )

-versus-

1. Kendriya Vidyalaya Sangathan,  
18 Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110016  
through its Commissioner.

2. Dy. Commissioner (Administration),  
Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheed Jeet Singh Marg,  
New Delhi-110016.

3. Principal,  
Kendriya Vidyalaya Janakpuri,  
C-2 Janakpuri,  
New Delhi.

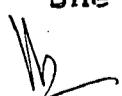
... Respondents

( By Shri S.Rajappa, Advocate )

O R D E R (ORAL)

Since none has appeared on behalf of applicant and none had appeared even on the last date of hearing, I have proceeded to dispose of this matter in terms of Rule 15 of the Central Administrative Tribunal (Procedure) Rules, 1987, on the basis of respective pleadings, arguments advanced by the learned counsel for respondents and material available on record.

2. Applicant was transferred by respondents vide order dated 21.6.2001 (Annexure A-1) from Kendriya Vidyalaya, Janakpuri, New Delhi to Kendriya Vidyalaya, Muradnagar. She was relieved by the Principal, Kendriya Vidyalaya,



Janakpuri, New Delhi on 28.6.2001 (Annexure A-3). It has been stated on behalf of applicant that she had less than two years of service when she was transferred out. She is superannuating on 31.5.2003. She had met with an accident and made a representation to respondents against her transfer which was not considered. Applicant's transfer was stayed by this Court. Applicant has stated that as per the guidelines, the period of two years prior to retirement should be computed from the date of transfer and not from 1.4.2001, as has been done by respondents to contend that she had more than two years left before her retirement.

3. On the other hand, the learned counsel of respondents drew my attention to clause 10(1) to clause 10(3) of the transfer guidelines as approved by the Board of Governors of the Kendriya Vidyalaya Sangathan, to state that she was transferred in public interest in terms of those provisions. He stated that applicant had been transferred during the academic session 2001-2002 and the cut off date for computing the period before the retirement is commencement of the academic session, i.e., 1.4.2001. On that crucial cut off date applicant had more than two years and two months' service before retirement. The learned counsel stated that respondents have never made any exception to this rule. He further stated that applicant had been transferred in public interest to accommodate list-II transfer request of an employee. He stated that such employees who have worked for a specific period <sup>in</sup> North-East or <sup>at</sup> harsh stations etc., have to be transferred to places of their choice and applicant has been shifted to accommodate such an employee under the transfer guidelines.

V  
/

- 3 -

4. On consideration of facts and circumstances of this case, I find that respondents have transferred applicant in public interest in terms of their policy. They have correctly computed the period of two years prior to her retirement on the basis of commencement of the academic session 2001-2002. Prescribing a cut off date for computing the period of two years prior to retirement is a policy decision for implementing the transfer guidelines. A policy decision is not open to judicial review unless it is mala fide, arbitrary or bereft of any discernible principle. Reliance in this regard is placed on Director, Lift Irrigation Corpn. Ltd. & Ors. v. P.K. Mohanty & Ors., 1991 (1) SCALE 399 (SC).

5. Having regard to the above discussion, I do not find any infirmity with the impugned orders of transfer of applicant. The O.A. is dismissed accordingly. It goes without saying that the stay order against respondents' order dated 21.6.2001 (Annexure A-1), which was made on 6.7.2001, shall stand vacated.

6. M.A. No.310/2002 has been made by applicant seeking promotion as PGT. This M.A. is not maintainable in the present O.A. which relates to her transfer. The M.A. is, therefore, dismissed as not maintainable.

7. M.A. No.1689/2001 has been made by applicant for releasing her salary from 27.6.2001 onwards. Applicant's transfer order was stayed vide this Court's order dated 6.7.2001. According to applicant, she was not allowed to join the School. Respondents have not filed their reply to this M.A. Respondents should decide about the period from when she was relieved onwards granting her leave of



- 4 -

kind due and pay her salary calculated on that basis. The  
M.A. is allowed in these terms.

V.K. Majotra  
( V. K. Majotra )  
Member (A)

/as/