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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 1946/2001

New Delhi, this the 2nd day of August, 2001

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

Dr. P.L. Dhingra, Principal
Kendriya Vidyalaya, NTPC, Badarpur,
New Delhi-110 044.
and R/o 983, Sector-16, Faridabad (Haryana). -APPLICANT

(By Advocate: Shri Shyam Moorjani and Sh.A.P. Dhamija)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 016.
2. Assistant Commissioner
Regional Office of Kendriya Vidyalaya
Sangathan, JNU Campus,
New Mehrauli Road,
New Delhi.
3. The Chairman/General Manager (NTPC)
Kendriya Vidyalaya School Management
Committee,
Kendriya Vidyalaya,
NTPC Badarpur,
New Delhi-110 044.

-RESPONDENTS

(By Advocate: Shri S. Rajappa)

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By Hon'ble Mr. Kuldip Singh, Member (JUDL)

The applicant Dr.P.L. Dhingra, Kendriya Vidyalaya, NTPC Badarpur has filedd this OA to assail an order dated 11.6.2001 vide which he has been transferred from KV NTPC Border to Jhunjhunu (Rajasthan). For assailing this order, the applicant has taken various grounds in the OA, inter alia, that the transfer is against the rules and policy as laid down by the respondent No.1 and the same has ben passed as a punishment without affording any opprotunity to the applicant and it has been made in a colourable exercise

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of power by respondent No.1 based on extraneous considerations and the same has been passed to victimise the applicant. It is also stated that it is a mala fide and as such it is unconstitutional and the same is liable to be set aside.

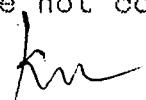
2. When the OA was taken up for consideration the counsel for the respondents Shri Rajappa also put in appearance and has submitted two documents.

3. I have heard the learned counsel for the parties and gone through the records of the case.

4. The learned counsel appearing for the applicant pointed out that before this he had earlier filed a petition before the Hon'ble High Court and a stay was granted to him. Besides that he has also submitted that he had made a representation against his transfer which is not being considered and no reasoned and speaking order thereon has been passed.

5. I have also gone through the representation made by the applicant and the other record submitted by the applicant.

6. From a perusal of the representation of the applicant wherein he had taken various grounds against his transfer and for his retention at NTPC, Badarpur and since he is alleged to have not completed his term as



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well so I think that this OA can be disposed of at this stage itself with a direction to the respondents to consider the representation of the applicant and pass a reasoned and speaking order thereon within a period of one month from the date of receipt of a copy of this order and in the meanwhile the respondents shall not insist upon the applicant to join at his transferred place of posting and it shall not be taken as if disobedience or misconduct for not complying with the transfer order and the applicant may remain on leave for further 15 days if leave is available to his credit from the date of disposal of his representation.

7. With the above directions, the OA stands disposed of. No costs.


(KULDIP SINGH)
MEMBER (JUDL)

Rakesh