

(2)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 1601/99

NEW DELHI THIS THE DAY OF 20TH OF JULY, 1999

In the matter of:

Shri Ashok Kumar Sharma
S/o Late S.L.Sharma
R/o 11/3, New APS Colony
Delhi Cantonment
New Delhi-110010.
(By Advocate: Sh. V.Shekhar)

.... Applicant

Vs.

1. Union of India through
Additional Secretary
Department of Education
Ministry of Human Resources Education
also holding the additional post of
Vice Chairman,
Kendriya Vidyalaya Sangathan
Shastri Bhawan
New Delhi-110001.
2. Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016.
3. Deputy Commissioner (Admn.)
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi-110016.
4. The Principal
Kendriya Vidyalaya
I.N.A. Colony
New Delhi-110023.

.... Respondents

ORDER(ORAL)

By Hon'ble Shri R.K.Ahooja, M(A)

Heard the counsel on admission.

2. The applicant, who is working in the Kendriya Vidyalaya, is aggrieved by the order of his transfer dated 10.7.99, whereby he has been directed to report to Assistant Commissioner, Kendriya Vidyalaya Sangathan, Silchar. He submits that he was posted at Kendriya Vidyalaya on 6.9.95 on the basis of a request made by him. His work and conduct in the School has been throughout satisfactory. However, when he had reason to make a reference to the Assistant Commissioner against the Principal. The applicant alleges that due to the malafide intention of the Principal a move was made to get him transferred out of his present posting. He submits that on receipt of the order the Principal relieved him on the same day.
- De

3. We have heard the learned counsel for the applicant. He draws our attention to the guidelines approved by the Board of Governors of Kendriya Vidyalaya in its meeting held on 21.7.98. Under these guidelines the transfers can be made only on two grounds namely administrative exigencies or at the request of the teacher himself. He submits that the impugned order, A-1, gives no indication of the administrative exigency for the transfer of the applicant as there is no indication that there is any shortage of teachers in Silchar for which it is necessary to transfer persons. He submits that the order is vague inasmuch as there is no indication of the school to which the applicant has been posted as he has been asked to report to the Assistant Commissioner at Silchar. Thirdly, he states that in the background of the applicant's complaint against the Principal and the fact that the Principal relieved him the very moment he received the transfer orders indicate that the transfer orders are the result of the malafide and ill will of the Principal.

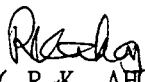
4. We, ^{have} ~~therefore~~, carefully considered these submissions but find no merit therein. In so far as the administrative exigencies are concerned the argument seemed to be that both the parties have to be satisfied that the transfer is required in public interest. It is in our view only the higher authorities who can be in the best position and who would be competent to decide the deployment of the staff as required by administrative exigency. If the options were given to the employees to determine as to whether public interest is satisfied in the matters of transfers then there would be complete chaos in administration as very often difference in perception would arise between the staff and the competent authority. We, therefore, consider that this ground taken by the learned counsel is unacceptable. In so far as the question of ambiguity in the transfer order is concerned, it is a normal practice that the regional officer who is in charge of a number of institutions is given the option to decide the deployment of the staff and it is not necessary that the Assistant Commissioner in charge of Delhi region should also decide the posting of the applicant in ~~the~~ Silchar. Therefore, the transfer order directing the applicant to report to Assistant Commissioner, Silchar cannot be considered as vague and ambiguous. As regards the grounds of malafide it cannot, in our view be inferred from the mere fact that the applicant has been released on the same day. We also notice from the endorsement to the Principal, Kendriya Vidyalaya that he should relieve the applicant immediately under intimation to the Central

on

[3]


Office. The Principal has only complied with this direction given to him by the Central Office.

5. Accordingly, we find no merit in this OA which is dismissed at the admission stage itself.


(R.K. ADOOJA)

Member (A)

'sd'


(V. RAJAGOPALA REDDY)
Vice Chairman (J)