

Central Administrative Tribunal
Principal Bench: New Delhi

O.A. No.1123/2000

New Delhi this the 26th day of June, 2000

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. V.K. Majotra, Member (A)

Dr. Raj Kumar Sharma,
Yoga Teacher,
S/o Shri V.D. Sharma.
R/o C-32, Ajit Nagar Gate,
Agra-1.

...Applicant

(By Advocate: Shri D.N. Sharma)

Versus

1. Union of India,
(through The Secretary to the Govt. of India,
Ministry of Human Resources Development,
(Education), Shastri Bhawan, New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
(Establishment IV Section),
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi-110 010
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
Regional Office, Sector 'J' Aliganj,
Lucknow.
4. The Principal,
Kendriya Vidyalaya No.2, A.F.S.,
Agar-Cantt.
5. The Principal,
Kendriya Vidyalaya No.1,
Bhatinda (Punjab).

...Respondents

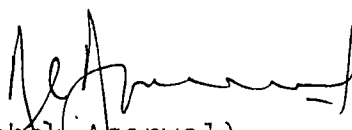
ORDER (Oral)

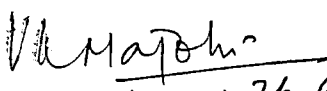
(By Mr. Justice Ashok Agarwal)

The order of transfer ^{which} is impugned ~~which~~ was issued way back on 14.3.2000. By the said order, applicant, ~~is~~ a Yoga Teacher, has been transferred from Agra to Bhatinda. By the order, he has been granted joining time as per Rules. Hence applicant has been relieved from the post of Yoga Teacher ^{at Agra}. He was accordingly expected to join the place of transfer on

24.3.2000. Aforesaid order has, however, been belatedly impugned by filing the present OA on 1.6.2000. No stay ^{can} ~~has~~, therefore, been granted in the present OA which has been belatedly filed. It cannot be disputed that the services of the applicant are transferable. The same cannot be successfully assailed merely because applicant had been earlier transferred on two occasions within a period of two years. As far as prayer clause-B contained in the OA is concerned namely, to treat the period of suspension pending enquiry under Rule-14 of CCS(CCA) Rules, 1965 which enquiry has been dropped, cannot be joined ^{with} ~~in~~ the prayer for impugning the order of transfer. Applicant may seek the aforesaid remedy by filing a separate OA if so advised.

Present O.A. in the circumstances is dismissed. No order as to costs.


(Ashok Agarwal)
Chairman


(V.K. Majotra) 26.6.2000
Member (A)

CC.