

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
O.A. NO.1739/2000

(X)

New Delhi this the 15th day of November, 2000

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

Santosh Verma,
W/o Mr. C.L. Verma
Principal, Kendriya Vidyalaya No.1
Salawala, Hathibarkala
Dehradun-248 001 (U.P.)

-Applicant

(By Advocate: Shri J.K. Bhatia)

Versus

1. Commissioner
Kendriya Vidhyalaya Sangathan
18, Institutional Area
Sheed Jeet Singh Marg
New Delhi-110 016.
2. Assistant Commissioner (Admn.)
Kendriya Vidhyalaya Sangathan
18, Institutional Area
Sheed Jeet Singh Marg
New Delhi-110 016.

-Respondents

(By Advocate: Shri L.R. Khatana)

O R D E R

Shri V.K. Majotra, Member (A)

The applicant has challenged her transfer order dated 30.8.2000 (Annexure A-1) issued by Assistant Commissioner, Kendriya Vidyalaya Sangathan, New Delhi, Respondent No.2. It is alleged that the transfer order is contrary to the transfer guidelines issued by the Chairman, KVS and the applicant cannot be transferred as she has less than two years, 19 months to be exact, to retire. The applicant was transferred on 21.5.97 to Dehradun on her own request (Annexure A-2). Now she has been transferred to Pune after a period of three years only. Her representation dated 1.9.2000 for cancellation of transfer order is pending.

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2. The respondents have filed a short reply stating that the applicant has been transferred on administrative grounds. Her successor Shri B.R. Sharma has already joined duties as Principal at K.V. No.1 Dehradun on 16.9.2000. Under the transfer guidelines there is no fixed tenure of 5 years in the case of Principals. Five years is a maximum period upto which a Principal is normally kept in the school.

3. The applicant has filed a rejoinder as well. I have heard the learned counsel of both sides and perused the material available on record.

4. The learned counsel of the applicant reiterated the points made in the OA and stated that whereas it is stated in the impugned order dated 30.8.2000, that the applicant has been transferred in public interest, there is no such interest involved in the transfer. According to the learned counsel, the transfer guidelines relating to principals is "the maximum period of service at a station shall generally not exceed three years in the case of Assistant Commissioners and five years in case of Principals/Education Officers. They are, however, liable to be transferred even before completion of the aforesaid period, depending upon organisational interest or administrative exigencies, etc. Principals with outstanding record in terms of their performance as reflected in ACRs and CBSE results may be retained in a Kendriya Vidyalaya even after completion of five years as aforesaid to promote excellence in the Vidyalaya".

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5. Since the applicant is a Principal, she could have been transferred only after a period of five years of stay unless there was any organisational interest or administrative exigencies. He also referred to guidelines-8(b) (ii) stating that teachers with less than 2 years to retire should be transferred on request.

6. The learned counsel of the respondents stated that the transfer guidelines enclosed by the applicant as Annexure A-4 dated 21.6.99 were applicable to the year 1999-2000 only which have been superseded and the extant transfer guidelines have been enclosed by the respondents with Annexure R-1, making it clear that on administrative exigencies/grounds, and organisational reasons transfers could be made. It is also stated that "these are mere guidelines to facilitate the realisation of objectives.....Transfers cannot be claimed as of right by those making request nor do these guidelines intend to confer any such right". The learned counsel admitted that normally a Principal should be retained at one station for a period of five years but he is liable to be transferred even before completion of the aforesaid period depending upon organisational interest or administrative exigencies as per para-4 of the extant transfer guidelines. The learned counsel of the applicant submitted that under the extant guidelines, transfers can be made on the basis of organisational reasons/interest but as per para-8 of these guidelines, organisational reasons/interest shall be classified and assigned

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points among others. According to the learned counsel of the applicant under this provision, teachers who have less than two years to retire have to be allocated 20 points. In the instant case, if the applicant was allotted 20 points having less than two years to retire and having an outstanding performance in KVS, Dehradun for the last three years, she could not have been transferred from Dehradun, where she had come on her request to distant Pune.

7. Learned counsel for the respondents stated that though the applicant made a representation against the impugned transfer order on 1.9.2000, she has made this OA without waiting for a reasonable period of six months for disposal of the representation. The applicant has not alleged that the impugned order is punitive in nature nor has she alleged any malafide against the respondents. Therefore, the applicant has no right to question the transfer orders.

8. The respondents have been called upon to produce records relating to the transfer of the applicant. The relevant records produced by the respondents have been perused. From these records, which are confidential in nature, it is established that irregularities were committed in admissions for the session 1999-2000 in KV No. 1, H.B.K., Dehradun. The respondents are contemplating initiation of disciplinary proceedings against the applicant. The applicant has been transferred to Pune in public interest which is established on the basis of the

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records produced by the respondents. Such a transfer is certainly not against the transfer guidelines. KVS Principal who has an All India transfer liability can be transferred before completion of the tenure under the transfer guidelines in organisational interest or administrative exigencies. Both of which are subsumed in public interest. I am also in agreement with the respondents that the applicant has ~~neither~~ ^{nor} alleged that the impugned order is punitive in nature ^{nor} has she alleged any malafide against the respondents.

9. Having regard to the facts and circumstances of the case and the discussion made above, there are no good grounds for interfering with the impugned transfer order of the applicant dated 30.8.2000 (Annexure A-1). The OA is dismissed. No order as to costs.

V.K. Majotra

(V.K. Majotra)
Member (A)

cc.