

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1767/2000

New Delhi, this the 20th day of the December 2001

HON'BLE MR. M.P.SINGH, MEMBER (A)

Ramesh Juneja,
Work Experience Teacher,
Kendriya Vidyalaya,
Gurgaon.

... Applicant

(By Advocate: Shri Anil Shrivastav)

V E R S U S

The Commissioner
Kendriya Vidyalaya Sangathan
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi.

... Respondents

(By Advocate: Shri H. Jayaramana for Shri S. Rajappa)

O R D E R (ORAL)

By filing this OA under Section 19 of the Administrative Tribunals Act, 1985, the applicant has sought direction to quash and set aside the order dated 30.8.2000 whereby he has been transferred from Kendriya Vidyalaya (in short KV) Gurgaon to KV, Bhatinda.

2. Brief facts of the case as stated by the applicant are that he had been working as Work Experience Teacher (in short WET) at KV, Gurgaon since 1985 and has been declared surplus and is redeployed by transferring him to KV, Bhatinda. According to him, there were three sanctioned posts of WET against which two WETs and one Home Science teacher were working in the year 1999-2000. In the year 2000-2001, there were only two sanctioned posts of WET. Against these two sanctioned posts of WET, only two teachers including the applicant ^{were} working



during the year 2000-2001. The contention of the applicant is that when there are only two WETs working against two sanctioned posts, he should be retained at KV, Gurgaon and Home Science Teacher who was working against third post of WET should have been transferred to KV, Bhatinda. However, the respondents have transferred the applicant to KV, Bhatinda. Aggrieved by this, he has filed this OA seeking the aforesaid relief.

3. The respondents in their reply have stated that as per Clause 49 (k) of the Education Code which contains the rules governing the service conditions of all employees provides that all employees carry all India Transfer Liability. Even the Hon'ble Supreme Court has laid down in a number of cases that an employee has no right to be retained in a particular place. It is not for the employee to decide who should be transferred to which place. It is only the employer who can decide who should be posted at what place. It is further stated by the respondents that as per policy decision as approved by the Board of Governors (which is the supreme body for making rules etc.), Kendriya Vidyalaya Sangathan is freezing number of sections so as to classify various KVs as one section KV, two sections KV, three section KV etc. This exercise is carried out because of the budgetary constraint which the KVS is facing as the Ministry of Finance has cut down the budget of the KVS. The process of standardising KVs all over India had to be carried out due to which withdrawing of sections from various standards of various KVs become inevitable. The policy of reducing the sections which contain surplus



(3)

posts had to be ~~withdrawn~~ ^{implemented} and readjustments were carried out as per the policy framed for proper administration of the K.V.s. In view of the above, the applicant has been identified surplus in a scientific manner and this cannot be questioned as arbitrary and illegal and, therefore, the applicant is not entitled for any relief as prayed for.

4. I have heard Shri Anil Srivastav, learned counsel for the applicant and Shri H. Jayaraman, learned proxy counsel for the respondents.

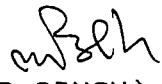
5. It is a well settled legal position by the Hon'ble Supreme Court that the Transfer order can be challenged only on two grounds, firstly, if it is in violation of statutory rules and secondly, if there is a malafide established against the authorities. The learned counsel for the applicant has not been able to establish that the transfer order is in violation of statutory rules. He has also not alleged malafide against the respondents. His only contention is that there are two sanctioned posts of WET and there were only two WETs including the applicant working in the K.V. Gurgaon as per the remarks of the Principal made on the representation of the applicant (Annexure-A-4). There is no other ground taken by the applicant in support of his claim that the applicant is not the senior-most and, therefore, cannot be rendered surplus and consequently transferred out. Even if the above contention of the applicant is accepted, it is for the employer to deploy



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the teachers at a particular place against the sanctioned post in a particular school.

6. In view of the above discussion, the present OA fails and is accordingly dismissed. There shall be no order as to costs.


(M.P. SINGH)
MEMBER(A)

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