

(96)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2033/2000

New Delhi, this 19th day of December, 2001

Hon'ble Shri M.P. Singh, Member(A)

Mrs. Kamlesh Singh
55/A, Street No.4, Aryanagar
Near Daya Nand Vihar, Delhi-91 .. Applicant

(By Shri B.B. Raval, Advocate)

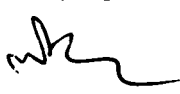
versus

1. Chairman
Kendriya Vidyalaya Sangathan
18, Institutional Area
Shaheed Jeet Singh Marg, New Delhi
2. R.S. Sharma
Principal, Kendriya Vidyalaya
Bulandshahr
3. Secretary
Human Rights Commission
Sardar Patel Bhavan, New Delhi
4. Secretary
National Commission for SC/ST
Lok Nayak Bhavan, New Delhi .. Respondents

(By Shri S.Rajappa, Advocate)

ORDER

By the present OA, the applicant has challenged the order dated 22.11.1999 by which she stands transferred from Bulandshahr to Leimakhong and order dated 27.11.1999 by which she stands relieved from Bulandshahr. She has earlier filed OA No.2565/99 challenging the same orders and that OA was disposed of by the order dated 21.7.2000 giving direction to respondents to dispose of the representation of the applicant. Applicant made a representation on 31.7.2000 for cancelling the transfer order. Her representation has been rejected by order dated 21.8.2000 and that order is also impugned in the present OA.



2. When the OA was listed on 19.10.2000, the learned counsel for the respondents sought 10 days time to file a detailed reply and the transfer order dated 22.11.99 was not implemented on the one ground or the other. Since the respondents failed to file reply within the stipulated period, they were allowed one more week to do so subject to payment of Rs.2,000 as cost, vide order dated 6.11.2000.

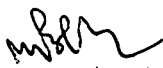
3. After the pleadings were complete and when the case came up for final hearing on 14.12.2001, learned counsel for the applicant has furnished a copy of order dated 21.11.2001 passed by the Allahabad Bench of this Tribunal in OA No.114/2000 and other connected OAs. These OAs were filed by four persons (namely Bhagwan Singh, Kailash ~~singh~~, Harish Chandra Sharma and Kishan Chand) who were also transferred from Bulandshahr along with the applicant and one more person (Smt. Urmila Tyagi, who is stated to have accepted the transfer) to different places by the same impugned order dated 22.11.99. The Allahabad Bench while disposing the said OAs, has made the following observations:

"4. During the course of arguments, learned counsel for the applicants stated that applicants have no objection if they are transferred within the Division. Against this issue, learned counsel for the respondents only pointed out that according to the rules of Kendriya Vidyalaya Sangathan, an employee can be transferred anywhere in India and also from an ordinary station to a hardship station. However, learned counsel for the respondents could not show any evidence to the effect that this was the reason beyond the transfer outside Division. I see no reason why these persons cannot be accommodated within the Division in the absence of genuine administrative grounds. The respondents are accordingly directed to reconsider the transfers of applicants within the division to which applicants will have no objection. The salary for the intervening period, soon after a stay order was granted by this Tribunal, should be paid by the respondents and



fresh transfer orders should also be made within the division within a period of three months from the date of service of this order."

4. Having regard to the above decision of the Allahabad Bench of this Tribunal and keeping in view the facts and circumstances of the present case, I am of the considered view that the present OA also can be disposed of with the direction to the respondents to reconsider the case of the applicant for her posting within the Division. I do so accordingly. It goes without saying that the impugned orders dated 22.11.99 and 27.11.99 as also the rejection order dated 21.8.2000 are quashed and set aside. As regards the salary for the intervening period, the same shall be paid by the respondents from the date she approached this Tribunal by filing OA No.2565/99. The above exercise shall be done within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.


(M.P. Singh)
Member(A)

/gtv/