

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.2402/2000

New Delhi, this the 17th day of November, 2000

Hon'ble Shri S.A.T. Rizvi, Member (A)

S.R.Verma, PGT (Geography),
Kendriya Vidyalaya,
Deoli, presently at
S-26, Saket, New Delhi.

.....Applicant.

(By Advocate: Sh. Anil Srivastava)

VERSUS

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

....Respondent.

ORDER (ORAL)

Heard the learned counsel for the applicant.

2. The applicant in this case has been transferred from K.V.Deoli to K.V. Naliya by an order dated 8.11.2000. The transfer order reveals that the applicant along with several others has been transferred in accordance with the provisions contained in para 10 (1) of the K.V.S. Transfer Guide-lines. The learned counsel contends that it would be incorrect to say at least in his case that the applicant has been transferred in accordance with the said guide-lines. The relevant provision made in the guide-lines (placed on record) is reproduced below:-

"10(1) Where transfer is sought by a teacher under para 8 of the guidelines after continuous stay of 3 years in NE & hard stations and 8 years elsewhere at places these Guidelines; or very hard cases involving human compassion, the vacancies shall be created to accommodate him by transferring teachers with longest period of stay at that station provided they have served for not less than five years at that station. Provided that

2

Principals who have been retained under para 4 to promote excellence, would not be displaced under this clause." 2

3. It would be seen that transfer under the aforesaid provision can be made in certain situations and the applicant is not covered by any of these. The learned counsel further contends that the applicant has been representing for his transfer from Deoli to Jaipur or any other place near Jaipur for the last six years or more without any result. The applicant's wife is suffering from heart disease and the family would be put to great hardship if they were to move out at this juncture to the far off location at Naliya in Gujrat. He further contends that in the transfer order whereas female and the physically handicapped teachers have been shown a great deal of consideration by stating that if any of the transferees happens to be a female or a physically handicapped person, he or she would not be relieved and the Headquarters would be informed for further necessary action in respect of such teachers. His contention is that on par with these categories of teachers, the applicant should also have been shown the same amount of consideration keeping in view the fact that he has been representing for his transfer as above for so many years. On a prima facie consideration, I am convinced that the transfer order in question in the case of the applicant has not been made, as stated in the transfer order in accordance with the para 10 (1) of the Transfer Guide-lines applicable to the KVS. On this basis, I find considerable force in the learned counsel's plea that the transfer order should be stayed until the OA is disposed of. 2

(3)

(2)

4. I do not, however, wish to prolong the agony of the applicant and would prefer the alternative course of quashing the transfer order on the ground that in the case of the applicant at least it does not at all seem to have been made under para 10 (1) of the Transfer Guide-lines and as the transfer order shows that no one has been posted in his place either.

5. In the result, at the admission stage itself, I quash and set aside the aforesaid transfer order dated 8.11.2000 with a direction to the respondents to re-consider, if they wish to do so, the matter and transfer the applicant in accordance with the aforesaid guidelines and his request as far as possible to Jaipur or any other place near Jaipur and in doing this, they can take any amount of time. No costs.

6. Registry is directed to send a copy of the OA to the respondents alongwith this order.

S.A.T. Rizvi

(S.A.T. Rizvi)
Member (A)

/sunil/