

IN THE CENTRAL ADMINISTRATIVE TRIBNAL

NEW DELHI

O.A. No. 319/2000
T.A. No.

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DATE OF DECISION 16.05.2000

Miss Tripti Gupta

Petitioner(s)

Sh. T.D. Yadav

Advocate for the
Petitioner(s)

Versus

U.D.I. & Ors.

Respondents

Advocate for the
Respondent(s)

CORAM:

Hon'ble Dr. A. Vedavalli, Member(J)

1. Whether Reporters of local papers may be —
allowed to see the Judgement?
2. To be referred to the Reporter or not ? *Yes*
3. Whether their Lordships wish to see the —
fair copy of the Judgement?
4. Whether it needs to be circulated to —
other Benches of the Tribunal?

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(Dr. A. Vedavalli)
Member(J)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-319/2000

New Delhi this the 16th day of May, 2000.

Hon'ble Dr. A. Vedavalli, Member(J)

Miss Tripti Gupta,
D/o Sh. V.K. Gupta,
R/o H.No. 13/72, Kalyanpuri,
Delhi-91.

..... Applicant

(through Sh. T.D. Yadav, Advocate)

Versus

1. Union of India through
the Secretary,
Ministry of Human Resources &
Development,
New Delhi.
2. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi-16.
3. Dy. Commissioner(Admn.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shahid Jeet Singh Marg,
New Delhi-16.
4. Assistant Commissioner,
Regional Office,
92, Gandhi Nagar Marg,
Bajaj Nagar,
Jaipur-15.

..... Respondents

ORDER

Heard the learned counsel for the applicant.

O.A. and the material papers and documents placed on
record have been perused.

2. The applicant, Tripti Gupta, was working
as a Primary Teacher in Kendriya Vidyalaya No.1 Khetri
Nagar, Rajasthan. Due to the closure of the said
school (Annexure-B) she became surplus and transferred

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to Kendriya Vidyalaya Nasirabad by the respondents by an order dated 09.04.99 (pages 22-23 of the paperbook). Aggrieved by the said order, she submitted a representation dated 12.04.99 (Annexure-C) seeking her posting in Kendriyal Vidyalaya Gurgon or any School in Delhi. The said representation was rejected by the respondents by an order dated 01.09.99 (Annexure-A) which has been impugned by the applicant in the present O.A.

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3. It is seen that the said impugned order has been passed by the respondents in pursuance of an order of this Tribunal dated 26.07.99 in an earlier O.A. No. 1656/99 filed by the present applicant against the aforesaid transfer order dated 09.04.99.

4. It is seen that the Tribunal in the earlier O.A. No. 1656/99 has very clearly stated that the transfer order dated 09.04.99 will not be interfered with and it is for the superior authority to consider and to pass orders in accordance with the relevant instructions. Respondent No.2 i.e. Commissioner of Kendriya Vidyalaya Sangathan (who is Respondent No.2 in the present O.A. also) was directed to dispose of the applicant's representation dated 12.04.99 in the light of the instructions as given in office order dated 31.03.99. The said representation was considered by Respondent No.2 and impugned order in the present O.A. was passed. The said representation was rejected for the reason that the applicant was

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adjusted in Kendriya Vidyalaya School in Jaipur Region to which she belong and as per the rules only when there are no vacancies available in the region, outside postings are considered. The applicant was accordingly advised to join Kendriya Vidyalaya, Nasirabad immediately.

5. The applicant in the present O.A. has only stated that there are certain vacancies in Delhi and some more vacancies are going to come up and that some transfer orders of similarly situated persons have been modified at the request of the concerned individuals (Annexures D&E) whereas she has been deprived of such benefit. However, she has not given any details as to the facts and circumstances relating to the request^{by} of those individuals which are alleged to have been accepted by the concerned authorities to come to the conclusion that they were similarly placed. The said plea, therefore, cannot be accepted. Moreover, the applicant has not been able to establish as to how the impugned order prima facie is violative of any of the provisions of the relevant orders or instructions and in particular the office order dated 31.03.99 noted supra. It is also noted that the applicant has already complied with the impugned order as she joined her post at Nasirabad in December 1999 itself as stated in Para 4.11 of the O.A. No fresh cause of action has been brought up in the present O.A.

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6. In view of the foregoing discussion and on careful consideration of the matter, I find that the applicant has failed to establish any illegality, mala fide or any other valid and tenable grounds to warrant any interference of this Tribunal with the impugned order. The O.A. is, therefore, devoid of any merit. Accordingly, it is dismissed at the admission stage. No costs.

A. Vedavalli

(Dr. A. Vedavalli)
Member(J)

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