

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

Regn. No. OA.1755/88

Date of decision: 11.11.88

Shir Beg Raj

Applicant

vs.

Delhi Administration

Respondents

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Present:

Applicant in person

Shri G.C.Lalwani, Counsel for the respondents.

CORAM

Hon'ble Shri B.C.Mathur, Vice-Chairman.

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This is an application under Section 19 of the Administrative Tribunals Act, 1985, against the impugned Order No. 902 dated 22.2.1988 (Annexure 'C' to the application) transferring the applicant from Govt. Boys' Senior Secondary School, Lawrence Road, to another School at Lawrence Road, on the ground that the transfer order is illegal and meant to harass him. The applicant has stated that he is a Trained Graduate Teacher and competent to teach 10th standard students in the School in the Hindi medium but the Principal of the School has been unnecessarily compelling him to teach 11th and 12th standard students for which only a Post Graduate Teacher is competent. He, therefore, was unwilling to teach Classes of 11th and 12th students. His transfer was ordered by the Education Officer of the Zone who was not competent to transfer the applicant and that there has been a conspiracy of higher officers in this matter. The respondent No. 3 wanted to bring his favourite, Mr. Charanjit Singh in his place and, therefore, he has been transferred.

The respondents in their reply have explained that the applicant expressed his unwillingness to teach Mechanical Engineering Drawing to students of Classes 11th and 12th. They requested the authorities to post some one else so that students do not suffer. Annexure R-I to the counter filed by the respondents is a letter from the Principal of the School to the Deputy Director of Education where this request has been made. The applicant was transferred to the School which was adjacent to the School where he was posted and where Mechanical Engineering Drawing is not taught. As such, there is no malafide regarding his transfer.

According to Annexure R-8 filed to the counter, the applicant has been relieved of his duties and his substitute has already joined. It has been further clarified that in spite of the fact that the applicant had not joined the new School, he has been paid his salary till September, 1988. The applicant says that the transfer was ordered to harass him and the new teacher had not started teaching at the old school.

In view of the fact that the applicant himself has conceded that he is not qualified to teach students of Class 11th and 12th and has

expressed his unwillingness to do so, there appears to be nothing wrong in transferring the applicant from one School to the other, especially as both the Schools are situated very near to each other. There is no stigma attached against the applicant as far as his transfer is concerned and this is a normal transfer. From the facts brought out it is quite clear that the transfer which does not affect the applicant, ^{anyway} in any way, is in the best interest of the students. The applicant has been shifted to a School which is in the same locality and where he does not have to teach Mechanical Engineering Drawing. In the circumstances, the application is rejected.

There will be no orders as to costs.


(B.C. MATHUR) 11-11-88
VICE-CHAIRMAN.