

**CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH**

Original Application No. 040/00179/2019

Date of Order: This, the 9th Day of February, 2021

THE HON'BLE SMT. MANJULA DAS, MEMBER (J)

THE HON'BLE MR. NEKKHOMANG NEIHSIAL, MEMBER (A)



Sri Narendra Kumar Bharti
Presently serving as the Post Gradual Teacher
(PGT), Commerce
Kendriya Vidyalaya, Khatkhati
P.O. – Khatkhati, P.S. – Khatkhati
District – Karbi-Anglong, Assam
Pin – 782480.

... Applicant

- Versus -

1. The Commissioner
Kendriya Vidyalaya Sangathan
18-Institutional Area
Saheed Jeet Singh Marg, New Delhi – 110016.
2. The Deputy Commissioner
Kendriya Vidyalaya Sangathan
Regional Office Guwahati
Jawahar Nagar, Khanapara
P.O. – Khanapara, District – Kamrup (M)
Assam, Pin – 781022.
3. The Principal
Kendriya Vidyalaya No. 1
Tezpur, P.O. – Dekargaon
District – Sonitpur, Assam, Pin – 784501.

O.A. No. 040/179/2019

4. Sri Prakash Ch. Tewari
Principal, Kendriya Vidyalaya No. 1
Tezpur, P.O. – Dekargaon
District – Sonitpur, Assam, Pin – 784501.
5. C. Neelap
Deputy Commissioner
Kendriya Vidyalaya Sangathan
Regional Office Guwahati
Jawahar Nagar, Khanapara
P.O. – Khanapara, District – Kamrup (M)
Assam, Pin – 781022.



...Respondents.

For the Applicant : Sri S.N. Tamuli, Ms. A. Begum
And Ms. Arfiara Begum

For the Respondents : Sri M.K. Majumdar, KVS SC

Date of Hearing: 06.01.2021

Date of Order: 09.02.2021

ORDER

NEKKHOMANG NEIHSIAL, MEMBER (A):-

This O.A. has been filed by the applicant asking
for the following reliefs:-

“8.1 To set aside and quash order No. F. 20046/1/2015/KVS(GR)/13179-82, dated 04/05.03.19, issued by the Respondent No. 2 i.e. Deputy Commissioner, KVS Guwahati Region, KVS Regional Office Guwahati, whereby the applicant has been transferred from Kendriya Vidyalaya No. 1, Tezpur to Kendriya Vidyalaya, Khatkhathi, Karbi Anglong, Assam, on administrative ground.

O.A. No. 040/179/2019

- 8.2 To allow the applicant to continue in K.V. No. 1 at Tezpur till he accommodated in a school of his choice on completion of three years tenure in NER as per the transfer policy.
- 8.3 Any other relief as the Hon'ble Tribunal may deem fit and proper in the interest of justice.
- 8.4 Cost of the litigation."



3. After repeated adjournments, the case was finally heard on 06.01.2021 wherein Sri S.N. Tamuli, learned counsel for the applicant informed that he had already submitted written argument. Sri M.K. Majumdar, learned KVS standing counsel for the respondents was given 10 days time to file written argument. However, till date i.e. today, he has not submitted any written argument.

4. Facts of the case was that – the applicant holding the post of Post Graduate Teacher in Kendriya Vidyalaya Sangathan (Commerce) was transferred from Kendriya Vidyalaya Sangathan, No. 1, Tezpur to Kendriya Vidyalaya Sangathan, Khatkhati, Karbi-Anglong District vide transfer order No. 20046/1/2015/KVS(GR) dated 04/05.03.2019, Annexure-

O.A. No. 040/179/2019

A1, page 12 to the OA. He was relieved on 05.03.2019, Annexure-A2 page 13.

5. In response to the O.A., the official respondent Nos. 1 to 3 has filed their written statement on 29.10.2019. Private respondent No. 4 also has filed his written statement on 27.01.2020. Against the written statement filed by official respondent Nos. 1 to 3, the applicant filed his rejoinder on 11.11.2019.



6. The main grievance of the applicant is that he has been transferred out from Kendriya Vidyalaya Sangathan, No. 1, Tezpur to Kendriya Vidyalaya Sangathan, Khatkhati, Karbi-Anglong District vide transfer order No. 20046/1/2015/KVS(GR) dated 04/05.03.2019 due to conspiracy hatched by the Principal and his supporters and as a punitive measure he has been transferred out. An enquiry also conducted against him, the report of which was never made to the applicant. As such, his transfer from Tezpur to Khatkhati is with malafide intention and liable to be set aside. He also contended that because of this transfer, his claim

O.A. No. 040/179/2019

for repatriation from NER on completion of 03 years would be adversely effected.

7. The official respondents in their written statement stated that the transfer was on administrative ground as indicated in the transfer order itself. The applicant was involving in a certain groupism creating unhealthy atmosphere in the school. They also enclosed a copy of the letter dated 25.01.2019 issued by the Brigadier, Chairman, VMC indicating that the applicant shows totally discourteous behaviour, wilful insubordination & disobedience to his Principal and lack of devotion towards his duties. The Chairman also recommended the transfer of the applicant from Kendriya Vidyalaya, No. 1 Tezpur. They have also enclosed a copy of a letter wherein the Deputy Commissioner, KVS, Khanapara, Guwahati had asked the applicant to explain regarding involvement in groupism vide Office Order dated 05/06.02.2019. This was not an inquiry as claimed by the applicant.





8. It is clear from the submissions that the applicant was transferred on 'Administrative Ground'. The Administrative Authorities at various levels are responsible for maintaining of conducive atmosphere, efficiency etc. in running an institution. If any employee is involved in certain activities which are contrary to the aims and objects of the organization or creating undesirable atmosphere, they are empowered to take suitable administrative order/disciplinary action against such an employee. The applicant has been found to be such a person and accordingly, the respondent authorities have shifted him from previous posting i.e. Kendriya Vidyalaya Sangathan, No. 1, Tezpur to Kendriya Vidyalaya Sangathan, Khatkhathi, Karbi-Anglong District.

9. The respondent authorities also have brought out that the applicant has gracefully accepted the said transfer order dated 04/05.03.2019. He had taken TA/DA advance of Rs. 50,000/-. He has also availed joining time of 10 days.

O.A. No. 040/179/2019

10. Keeping in view of the above, we have considered the case carefully and arrived to the conclusion that there is no justified ground to interfere with the transfer order of the Administrative Authorities dated 04/05.03.2019 from KVS, Tezpur to KVS, Khatkhati, Karbi Anglong. The contention of the applicant that this transfer would affect his claim for timely repatriation from NER is also not correct. His due date of repatriation would be counted from the date he had initially joined in KVS, Tezpur.



11. Having found the O.A. devoid of merit, it is hereby dismissed.

12. No order as to costs.

(NEKKHOMANG NEIHSIAL)
MEMBER (A)

(MANJULA DAS)
MEMBER (J)

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O.A. No. 040/179/2019