

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00107/2020

Date of decision: 06.07.2020

CORAM

HON'BLE MRS. JASMINE AHMED, MEMBER (J)
HON'BLE MS. ARCHANA NIGAM, MEMBER (A)

Ateeque Ahmed S/o Shri Rasheed Ahmed, aged 56 years,
R/o 85-A, DIG Firoz Khan Colony, Sutla, Jodhpur (presently
posted as SA at KV No.1, AFS, Jodhpur.

.....Applicant

By Advocate: Mr. K.K. Shah, through video conferencing.

Versus

1. Kendriya Vidyalaya Sangthan through Commissioner,
18, Institutional Area, Shaheed Jeet Singh Marg, New
Delhi-110016.
2. Dy. Commissioner, Kendriya Vidyalaya Sangthan
(Regional Office), 92 Gandhi Nagar Marg, Bajaj Nagar,
Jaipur-302015.
3. The Principal, KV No.1, Air Force Station, Jodhpur
342011.
4. Shri Vishnu Prakash, SSA, KV IIT, Jodhpur-342001.
5. Assistant Commissioner, KVS, 18 Institutional Area,
Shaheed Jet Singh Marg, New Delhi.

.....Respondents

By Advocate: Mr. Avinash Acharya, through video
conferencing.

ORDER (ORAL)

Per Hon'ble Mrs. Jasmine Ahmed, Member (J)

Heard Shri K.K. Shah, learned counsel for the applicant and Shri Avinash Acharya, who is appearing on behalf of the respondents after getting an advance notice.

2. This is a second round of litigation wherein the applicant herein previously preferred an OA No.203/2019 against the transfer order dated 16.08.2019. The said OA was disposed off by this Tribunal vide order dated 28th August 2019 directing the respondents to decide the representation of the applicant within four weeks from the date of receipt of the order dated 28th August, 2019.

3. It is contended by the learned counsel for the applicant that the order of this Tribunal was sent to the respondents on 30th August, 2019. But the respondents did not decide the representation of the applicant within the stipulated time given to the respondents. In the meanwhile, respondent No.4 also preferred an OA before this Tribunal and at the very outset, a stay was granted in favour of respondent No.4 and the same direction of deciding the representation was passed in his case also. It is contended by the learned counsel for the applicant that the respondents decided both the representations filed by

the applicant as well as respondent No.4, allowing the prayer of respondent No.4 and rejecting the prayer of the applicant herein.

4. Learned counsel for the applicant states that the respondents should have decided his representation first as he has preferred the Original Application before respondent No.4 in this Tribunal. The respondents have taken the plea that as respondent No.4 is having lesser service than the applicant herein, he has been adjusted at Jodhpur.

5. The applicant is aggrieved by the order passed by the respondents not adjusting him at Jodhpur wherein adjusting respondent No.4 at Jodhpur only on the ground that he is having lesser service than the applicant herein.

6. Shri Avinash Acharya, learned counsel for the respondents submitted that the decision taken by the respondents adjusting respondent No.4 at Jodhpur is only on the basis of lesser service vis-a-vis both the claimants. The counsel for the respondents states that the decision is very justified and adjusting respondent No.4 at Jodhpur due to his lesser service is nothing illegal or arbitrary in nature.

7. We have gone through the pleadings which are available on record. The Bench finds that there is an alternative prayer asked by the learned counsel for the

applicant that in the eventuality of not able to adjust the applicant herein at Jodhpur due to lesser service of respondent No.4, the applicant can be granted the alternative prayer as prayed by him. The Bench puts a query to learned counsel for the applicant that if he is aggrieved to his alternative prayer which he has already made in his application, the Bench can direct the respondents to consider his case for posting him at Jaipur, to which the learned counsel for the applicant very respectfully agreed and the learned counsel for the respondents is also having no objection.

8. Taking into consideration the alternative prayer made by the learned counsel for the applicant, we direct the respondents/competent authority to post the applicant at Jaipur in the vacant post of Shri M.K. Tiwari, who has superannuated on 31.01.2020. We also make it clear that if the facts as stated by the learned counsel for the applicant are true and correct, the applicant shall be adjusted/posted at Jaipur with immediate effect.

9. With the aforesaid directions, the OA is disposed off.

(ARCHANA NIGAM)
MEMBER (A)

(JASMINE AHMED)
MEMBER (J)