

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 2641/2004

New Delhi, this the 2nd day of November, 2004



Hon'ble Sh. Sarweshwar Jha, Member (A)

Prem Singh
S/o Shri Bale Ram
Working as Asstt. Supdt.
In Kendriya Vidyalaya, Suranussi
Presently staying at H-4/1698-99
Jahangirpuri, Delhi - 110 033.

...Applicant

(By Advocate Sh. A.K.Trivedi)

V E R S U S

1. Kendriya Vidyalaya Sangthan : through
Its Commissioner,
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi 110 016.
2. The Joint Commissioner
Kendriya Vidyalaya Sangthan
18, Institutional Area
Shaheed Jeet Singh Marg
New Delhi 110 016.
3. The Assistant Commissioner
Kendriya Vidyalaya Sangthan
Govt. Hospital Road
Gandhi Nagar, Jammu - 180 004.
4. The Principal
Kendriya Vidyalaya
Suranussi, Jalandhar -144 027.

...Respondents

O R D E R (ORAL)

Heard the learned counsel for the applicant.

2. He has submitted that the applicant has been transferred from his present School at K.V.Suranussi, Jalandhar to K.V., Uri on temporary basis without there being a post of Assistant Supdt. in that School as per the norms laid down on the subject vide the KVS OM dated 20-10-2003, a copy of which is placed at Annexure A-3. Learned counsel has also submitted that the applicant is prepared for being posted anywhere in the country where there is a post of Asstt. Supdt. which is being held by him. It also transpires that the applicant, together with a large number of other employees, have been declared surplus and the transfer has been ordered by the respondents by way of deployment/adjustment of the said employees. It is possible that

this transfer has been ordered on temporary basis with a possibility that the applicant could be adjusted elsewhere in due course.

3. Be that as it may, the fact is that the applicant who has been transferred to K.V., Uri is yet to report there and is enjoying joining time. In the meantime, he has approached the Tribunal with this OA seeking re-consideration of the matter.

4. While transfer is the prerogative of the respondents and also while it is for the respondents to re-deploy the surplus staff, it is important for the respondents to apply their mind to the fact that they follow the norms as have been laid down by them in regard to deployment of their man-power. In this connection, the fact as submitted by the applicant that there is no post of Asstt. Supdt. (III) sanctioned at K.V., Uri is quite significant and which needs to be looked into by the respondents. There are also representations submitted by the applicant to the authorities concerned bringing out his personal problems as a result of transfer at Annexure A-4 & A-5 and which do not seem to have been given due consideration by the respondents.

5. In view of the fact that the representations which are pending with the respondents deserve to be looked into and reply sent to the respondents on the subject, I am of the considered view that the ends of justice shall be met if this OA is disposed of at this stage without awaiting reply from the respondents with directions to them to consider the representations of the applicant as are pending with them together with this OA, treating the same as a supplementary representation of the applicant, and to dispose them of, keeping the above observations in view, within a period of 15 (fifteen) days from the date of receipt of a copy of this order. The respondents shall ensure that a communication is sent to the applicant in reply to the representations submitted by him and also in disposal of this OA as directed above. Till that time, the respondents shall allow the applicant to continue to work at the present School, namely, K.V. Suranussi, Jalandhar.

6. Issue DASTI.



(Sarweshwar Jha)
Member (A)

/vikas/