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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2920/2004

New Delhi, this the 7th day of December, 2004

Hon'ble Shri S.K. Naik, Member(A)

Prem Singh
H-4/1698-99, Jahangirpuri
Delhi-110033

Applicant

(Shri A.K.Trivedi, Advocate)

versus

1. Commissioner
Kendriya Vidyalaya Sangathan
Shaheed Jeet Singh Marg, New Delhi
2. Joint Commissioner
Kendriya Vidyalaya Sangathan, New Delhi
3. Assistant Commissioner
Kendriya Vidyalaya Sangathan, Jammu
4. Principal
Kendriya Vidyalaya, Suranussi, Jalandhar .. Respondents

ORDER(oral)


Applicant had earlier filed OA No.2641/2004 challenging the order dated 20.10.2004 by which he was deputed on temporary basis from Kendriya Vidyalaya, Suranussi, Jalandhar to Kendriya Vidyalaya, Uri. That OA was disposed of by the Tribunal vide its order dated 2nd November, 2004 with the direction to the respondents to consider the representations made by the applicant against the said order and dispose them of keeping the observations made in the said order within 15 days. In pursuance thereof, respondents have disposed of the representations of the applicant vide memorandum dated 18.11.2004. Besides they have also passed order dated 22.11.2004 by which the applicant has been relieved on the said date with directions to report to the Principal, Kendriya Vidyalaya, Uri immediately, in compliance with the earlier transfer order dated 20.10.2004. By the present OA, applicant has challenged not only the memo dated 18.11.2004 and relieving order dated 22.11.2004 but also the original order dated 20.10.2004, which already stands adjudicated upon by the Tribunal vide its order dated 2nd November, 2004.

2. Perusal of the Memorandum dated 18.11.2004 and the pleadings available on record reveal that the applicant has taken the same grounds which he had taken earlier in OA No.2641/2004. Further I find that the respondents have passed a detailed, reasoned and speaking memo dated 18.11.2004 covering all the points raised by the applicant, which hardly needs Tribunal's intervention. That apart, respondents have also justified their action to depute the applicant on temporary

For order

basis to Uri, inter alia mentioning therein certain judgements of the apex court in which it has been categorically held that the court/Tribunal cannot interfere with the transfer order issued in public interest and in administrative exigencies. In the case in hand the order has been made for deputing the applicant on temporary basis for which he would be entitled to TA/DA etc. In this background, it can not be said to be an order of transfer.

3. In view of this position, I find no merit in the present OA and the same is dismissed in limine.


(S.K. Naik)
Member(A)