

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

O.A.No. 1026/93

New Delhi this the 19th Day of November, 1993.

Hon'ble Sh. B.N. Dhoundiyal, Member(A)

Sh. Kamlesh Sharma
S/O Sh. Brahamanand Sharma,
R/O B-314, Delhi Admn. Flats,
Timarpur, Delhi-110054.

.. Petitioner

(Applicant in person)

versus

1. Delhi Administration
(National Capital Territory of Delhi)
through Secretary Education,
5, Sham Nath Marg, Delhi.
2. Director of Education,
Old Secretariat (Delhi Admn.),
Delhi.
3. Dy. Director of Education(North),
Distt. North Lucknow Road,
Delhi-110054.
4. Sh. M.M. Sharma,
Principal, G.M.S.S. School,
Shankaracharya Marg, Delhi.

.. Respondents

(None for the respondents)

ORDER

This O.A. has been filed by Sh. Kamlesh Sharma a P.G.T. teacher working under Delhi Administration challenging the impugned orders dated 27.4.1993 and 8.5.1993 relieving him from the G.M.S.S. School Shankracharya Marg, Delhi and directing him to report for his duties in G.B.S.S. School Janhangirpuri, Delhi. He has prayed that these orders may be quashed and set aside and he may be allowed to remain in G.M.S. School Shankracharya Marg, Delhi.

The applicant is a blind person. According to him his transfer order is mainly due to unreasonable attitude taken by the Principal Sh. M.M. Sharma, (Respondent No.4)

2/27

who thinks that as he is visually handicapped he would not be able to teach. He has given many instances of harassment and malafide intentions like his not being allowed to take regular classes, deputing teachers not qualified in History instead of him to teach the classes and taking advantage of the like minded Sh. Chatopadhyaya who was officiating as Deputy Director Education (Respondent No.3) to secure the order of transfer. The transfer was not in public interest and is liable to be set aside.

In the counter filed by the respondents the main averments are these. The transfer order was passed on the applicant having been declared surplus by the Principal vide letter dated 6.4.1993. They have denied that either the Principal or Mr. Chatopadhyay were biased against the applicant. The applicant also stated that he was teaching only 11th class. There was another teacher teaching class 12th who had earlier taught the same batch when they were in class XI. They have denied that they were not within their rights to transfer the applicant.

In the additional counter-affidavit filed by them they have clarified that the applicant was posted in the school vide order dated 14.11.1991 and as there was no post of PGT(History) in the School, in the revised order dated 13.12.1991 he was adjusted against the post of PGT(Economics) until further orders. Sh. Mohan Lal, PGT(Hindi) who was taking the History period of Class-XI was a post-graduate in Hindi as well as History. Although History was introduced as a separate subject in the year 1990-1991 but the post of History was not created and Sh. Sharma was adjusted against the post vacant due to transfer of Smt. Kamla Mehta who was working as PGT(Economics) vide order dated 28.1.1993. One post of PGT was transferred from this school to another and

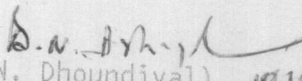
57

as such one PGT became surplus. As Sh. Kamlesh Sharma had been adjusted against a post meant for PGT(Economics) he had to be transferred.

On 12.5.1993 this Tribunal passed an order on interim relief directing the respondents to maintain status quo as of on that date. Interim order was continued till 26.8.1993 when a representative of the department informed that the applicant had already joined the new school and his representation against the transfer had not been disposed of so far. In pursuance of the directions of this Tribunal dated 1.1.1993, the records leading to the transfer of the applicant have been produced before us.

I have heard the applicant in person. The counsel for the respondents was not present on 4.11.1993 and the date of final hearing on 15.11.1993. I hold that the applicant has not been able to prove any malafide against Respondents No.3 & 4 and the arrangements made for teaching PGT(History) and the reasons for transfer have been adequately explained by the respondents. No doubt the applicant is a blind person and his case requires special consideration particularly if his work is upto the mark. The departmental representative had stated that his representation is under consideration of the authorities. We, therefore, dispose of this application with the direction to the respondents to consider his representation sympathetically and expeditiously and preferably within a period of one month from the date of communication of this order.

There shall be no orders as to costs.


(B.N. Dhoundiyal) 15/11/97

Member(A)