

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 5th day of February 2002.

QUORUM : HON. MR. S. DAYAL, A.M.

HON. MR. ASHOK BHATNAGAR, J.M.

O.A. No. 1261 of 2001.

Parmatma Sharan s/o Late Sri R.K. Shukla r/o 32/3, H.L.  
Colony, P.O. Harjender Nagar, District Kanpur Nagar.

.....

..... Applicant.

Counsel for applicant : Sri K.K. Tripathi.

Versus

1. Union of India through Secretary, Ministry of Human  
Resources Development Department of Education, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Sangthan, 18,  
Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
3. Deputy Commissioner (Administration) Kendriya Vidyalaya  
Sangthan, 18, Institutional Area, Shaheed Jeet Singh Marg,  
New Delhi.....

..... Respondents.

Counsel for respondents : Sri N.P. Singh.

ORDER (ORAL)

BY HON. MR. S. DAYAL, A.M.

This application has been filed for setting aside the transfer order dated 25.6.2001 and order dated 8.10.2001. A direction is also sought to Respondent Nos. 2 & 3 to reconsider transfer order/modify the same so that the applicant could be posted to the nearer to the place of posting of his wife.

2. We have heard the arguments of Sri K.K. Tripathi for applicant and Sri N.P. Singh for respondents.

3. Counsel for applicant has sought this relief by referring to the guidelines and circular of the transfer. He has, however, placed before us Annexure 4 to his rejoinder in which the State Govt. has issued instructions that if husband and wife are in Govt. service, they should be posted in the same district/City or place.

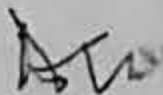


4. We find that the husband is serving under Govt. of India and the wife is serving in State Govt. The husband is posted at Meghhatuguru in Jharkhand State which is stated to be 800 Kms. away from the place of posting of his wife, who is posted in Primary Health Centre, Jhinghar, Kanpur Dehat. Hence the authority on which the applicant relies is not applicable to his case.

5. Counsel for the applicant has referred to the case of Sri A.K. Chaudhary and Sri L.P. Chauhan, who were allowed to go back to their earlier place of postings from hard stations. Counsel for respondent has invited attention to Annexure 4 in which only one station has been mentioned as hard station and the applicant is not posted to that particular station. Therefore, the criteria of being considered sympathetically on account of posting to hard station for being posted on request will not be applied to the case of the applicant.

6. The only choice open to the applicant is to apply to the respondents for transfer to a place of choice situated on main railway line in Bihar or UP so that he is in position to visit his wife who is posted in rural area in case any need arises. The applicant may make representation which shall be decided by the respondents within three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

  
J.M.

  
A.M.

Asthana/  
6.2.02.