

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No. 1073 of 2004.

Allahabad this the 16th day of September 2004.

Hon'ble Mr. D.R. Tiwari, Member-A.

Dipika Tripathi  
W/o Dr. S.C. Tripathi  
R/o Type-IV/2, E.S.I. Hospital  
Kidwai Nagar,  
District Kanpur.

.....Applicant.

(By Advocate : Sri Satish Mandhyan)

Versus.

1. Union of India,  
through H.R.D.  
Shastri Bhawan,  
New Delhi.
2. Kendriya Vidyalaya Sangathan,  
18, Institutional Area,  
Shaheedjot Singh Marg,  
New Delhi through its Chairman
3. Education Officer,  
18, Institutional Area,  
Shaheedjot Singh Marg,  
New Delhi.
4. Principal,  
Kendriya Vidyalaya,  
I.I.T., Kanpur.

.....Respondents.

(By Advocate: Mr. D.P. Singh)

O\_R\_D\_E\_R\_

Heard Sri S Mandhyan learned counsel for the applicant and Sri D.P. Singh learned counsel for the respondents. at length.

2. The applicant Dipika Tripathi was working in Kendriya Vidyalaya I.I.T. Kanpur. Learned counsel for the applicant has submitted that the applicant continued to work at Kanpur from 1982 to 2003. It has also been submitted that her husband is Doctor in E.S.I. Hospital Kanpur. She was transferred from Kendriya Vidyalaya I.I.T.

*D.P.S.*

Kanpur to Kendriya Vidyalaya New Cantt on 05.04.2003.

Again she requested for her transfer to Kendriya Vidyalaya Kanpur and the Competent Authority acceded her request and transferred her from Allahabad to Kanpur on 04.06.2004.

Accor

3. According to the new transfer Guidelines which came into effect from 07.07.2004, the competent authority has decided that all displaced teachers should be brought back and attached with previous Kendriya Vidyalaya.

Accordingly Smt. H.L. Tiwari who was displaced from Kanpur to Allahabad on earlier occasion, it was decided to bring her back to Kanpur which is clear from Annexure A-10. Her posting at Kanpur resulted in surplus staff of Yoga Teacher in Kanpur and consequently the applicant was transferred from Kendriya Vidyalaya, Kanpur to Kendriya Vidyalaya, Bhopal. She <sup>was</sup> transferred on 31.08.2004 from Kendriya Vidyalaya Kanpur to Kendriya Vidyalaya, Bhopal and subsequently on 06.09.2004 she stood relieved.

4. The grievance of the applicant is that she being lady teacher, her posting should have been made at some school which is not beyond 500 Km as provided in the transfer guidelines vide para 7.

5. The learned counsel for the applicant has very emphatically argued that this transfer order should be stayed which is being opposed with equal vehemence by the learned counsel for the respondents.

6. After hearing both the counsel at length, I find that the ends of justice will be better served if the liberty is given to the applicant to file a representation within 02 days and the Competent Authority are directed to decide the representation by a reasoned and speaking order within stipulated period.



7. In view of the facts mentioned above, I dispose of the present O.A. finally with a direction to the Competent Authority to consider and decide the representation of the applicant with a reasoned and speaking order to be passed and communicated to the applicant within a period of 15 days from the date of receipt of copy of the order.

No costs.

8. Copy of the order be given to counsel for the parties.

*Dheen*  
Member-A.

Manish/-