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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

Dated : This the 14TH day of MAY 2007

Original Application No. 666 of 2005

Hon'ble Mr. Justice Khem Karan, Vice-Chairman

Sri Hari Shanker Dwivedi, S/o (Late) L.P. Dwivedi,
R/o Village Look, Post Rauli Kalyanpur, Distt:
Chitrakoot.

. . . .Applicant

By Adv: Sri D. Pathak

V E R S U S

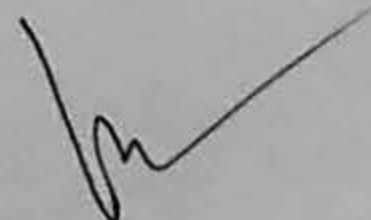
1. Union of India through it's Secretary, Ministry of Human Resources Development, New Delhi.
2. Kendriya Vidyalaya Sangatha, through it's Chairman/Hon'ble Minister, Ministry of Human Resources Development, New Delhi.
3. The Commissioner, Kendriya Vidyalay Sangatha, 18, Institutional Area, Shaheed Jeet Singh Marg, New Delhi.
4. The Assistant Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Sector J, Aliganj, Lucknow.

. . . .Respondents

By Adv: Sri D.P. Singh


O R D E R

The applicant has challenged the order dated 30.05.2005 by which he has been transferred from K.V. Manauri Allahabad to KV Dingan (Assam), on the basis of earlier transfer policy dated 19.01.2005. This Tribunal stayed the operation of above transfer order, vide its interim order dated 23.06.2005. There is no dispute that in compliance of the stay order dated 23.06.2005, the applicant resumed his duties on 30.06.2005 and is continuing as such till



date. It is admitted that new transfer policy came into force w.e.f. 14.03.2006. The case of the applicant has not been considered in terms of new policy. Sri Pathak says that this OA may be finally disposed of with the provision that till the case of the applicant is considered in terms of new transfer policy, he should be allowed to continue on the present post.

2. Sri D.P. Singh, learned counsel for the respondents has tried to say that the case of the applicant is being considered in terms of the new transfer policy. He has tried to justify the transfer in question, on the basis of certain judgments of the Apex Court. But Sri Singh does not say that the case of the applicant cannot be reconsidered in terms of the new transfer policy. So without entering into the merit of the case the Tribunal think it proper to dispose of this OA with the provision that the transfer, if any, of the applicant may be reconsidered in accordance with the new transfer policy dated 14.03.2006 and till such consideration is done, he should not be disturbed from the present place. Sri Pathak has also submitted that application of the applicant for pay for the period from 08.06.2005 to 29.06.2005 is still pending and so the Tribunal should pass some orders. Sri D.P. Singh says that this matter should be left to be decided by authorities concerned, in accordance with law or the applicant may be given



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liberty to make representation to the authorities concerned for the pay in question and no specific direction should be given for payment of salary.

3. I think that the applicant may be given liberty to make representation to the authorities concerned in respect of the pay of the above period and if such representation is filed, it should be disposed of within the time specified by the Tribunal.

4. So this OA is disposed of finally, with a direction that the transfer if any of the applicant may be reconsidered in accordance with new transfer policy dated 14.03.2006 and till such reconsideration is so made the applicant will not be disturbed from the present place of posting and in case the applicant gives any representation to respondent No. 4 within a period of one month from today in respect of the salary for the period from 08.06.2005 to 29.06.2005, the authority concerned shall pass suitable order in accordance with law, within a period of two months from the date such representation together with the copy of this order is so received. No cost.

/s/ 14.3.07

Vice-Chairman

/pc/