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OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH: ALLAHABAD.

ORIGINAL APPLICATION NO.845 OF 2005

ALLAHABAD, THIS THE 29th DAY OF JULY, 2005

QUORUM : HON. MRS. MEERA CHHIBBER, J.M.

V.P. Gupta, Post Graduate Teacher (Maths), son of Sri Brij Wasi Lal Gupta, Resident of, F-7, Kadamb Vihar, Mathura..... Applicant.

Counsel for applicants : Shri S.K. Shukla.

Versus

1. Union of India through its Secretary, Ministry of Human Resources and Development, New Delhi.
2. The Commissioner, Kendriya Vidyalaya Sangathan (H.Q.), 18, Industrial Area, Shahid Jeet Singh Marg, New Delhi.
3. Education Officer, Kendriya Vidyalaya Sangathan (H.Q.), 18, Industrial Area, Shahid Jeet Singh Marg, New Delhi.

..... Respondents.

Counsel for Respondents : Sri N.P. Singh.

O R D E R (Oral)

HON'BLE MRS. MEERA CHHIBBER, J.M.

By this O.A., applicant has challenged the order dated 18.7.2005 whereby he has been transferred from Mathura Cantt. to K.V. Chhatarpur in public interest (Page 9). It is stated by the applicant that the same day he gave representation to the Commissioner, K.V.S., New Delhi on the ground that it was only in September, 2004 that he was transferred from Delhi to Mathura on his own request as his wife was working at Mathura as Head Mistress (Page 13 at 15). Applicant figures at Sl.No.8. He has further submitted that he is suffering from a precarious decease of left eye and is constantly under the

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treatment at Aligarh. He is also at the fag end of his career being 55 years of age. It will not be possible for him to manage everything independently. Therefore, he may be allowed to retain at K.V., Mathura Cantt (Page 24 at 25). The same has not yet been decided nor any other person has joined in place of applicant at Mathura. Therefore, he may be protected till at least, his representation is decided by the authorities. Counsel for the respondents, however, submitted that transfer is an incident of service. Since it has been done in public interest, it calls for no interference. They have done the transfer in accordance with their transfer guidelines, therefore, O.A. may be dismissed.

2. I have heard counsel for the applicant and perused the pleadings. It is seen that applicant was transferred from Delhi to Mathura on his own request on 8.9.2004 only. It is stated by the applicant in his O.A. that in Feb., 2005, he had to undergo eye surgery due to hemorrhage with retina~~s~~ detachment. He was operated successfully but now he has developed cataract in the eye for which he has to be operated. Moreover, his wife is still posted at Mathura. The representation of the applicant has not yet been disposed of. It is correct that scope of interference in case of transfer is limited as has been held by Hon'ble Supreme Court repeatedly but nonetheless, once representation is given by the employee, it is the duty of respondents to dispose of the same within the reasonable period. In this case, it is stated by the applicant that his representation has not been decided till date. Counsel for the applicant also stated at bar that no other teacher has joined in his place at Mathura. If that be the case, the Respondents are directed to consider his representation and decide the same within a period of four weeks from the date of receipt of a copy of this order by a reasoned and



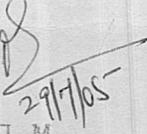
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speaking order and communicate the same to the applicant. Till such time his representation is decided, if no other teacher has joined in his place, respondents shall allow the applicant to perform his duties on the same post. He shall be bound by the ultimate orders passed by the Commissioner, K.V.S.

3. With the above direction, this O.A. stands disposed of.

No order as to costs.


J.M.

Asthana/