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(OPEN COURT)

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 01<sup>st</sup> day of August, 2005

Original Application No. 856 of 2005

HON'BLE MRS. MEERA CHHIBBER, MEMBER- J.

C.P. Thapariyal, S/o Late J.P. Thapariyal  
R/o 98/15, Pragati Vihar, Dharampur,  
Dehradun.

.....Applicant

Counsel for the applicant :- Sri S.K. Singh

**V E R S U S**

1. Union of India through Secretary,  
Human Resources Ministry, New Delhi.
2. Commissioner, K.V. Sangathan, 18,  
Institutional Area, Shahid Jit Singh Marg,  
New Delhi.
3. Dy. Commissioner (Admn.), Kendriya Vidyalaya  
Sangathan, Head Quarter, New Delhi.
4. Principal, K.V. I.I.P, Dehradun.
5. Principal, K.V. Mokama Ghat (CRPF),  
Bihar.

.....Respondents

Counsel for the Respondents :- Sri N.P. Singh

**O R D E R**

By this O.A the applicant has challenge the  
order dated 30.05.2005 whereby he has been  
transferred from Kendriya Vidyalaya I.I.P, Dehradun  
to Kendriya Vidyalaya, CRPF, Mokama Ghat and in his



(4)

place Sri Gopal Singh Bisht has been transferred from Uttarkashi (Page 11).

2. It is submitted by the applicant that he was promoted and posted to K.V I.I.P, Dehradun only on 28.02.2005 and within 90 days he has again been transferred from KV I.I.P, Dehradun to K.V. CRPF, Mokama Ghat (page 13). Being aggrieved the applicant made a representation on 13.06.2005 stating therein all his difficulties namely that he was posted at K.V, I.I.P, Dehradun on 01.03.2005 from K.V. Hardwar where he was posted as PGT (Math) but within three months he has been displaced to accommodate Sri Gopal Singh Bisht, he has been posted out to K.V. CRPF, Mokama Ghat. He has also requested that he may be adjusted at Dehradun itself as two PGT (Maths) has already short listed for promotion or he may be posted at Kendriya Vidyalaya, Lansdown where the post of PGT (Math) is vacant (Page 19). It is submitted by the applicant that till date his representation has not been decided and he is on medical leave. He has also relied on order dated 16.06.2005 whereby order dated 30.05.2005 was stayed till reply is filed by the respondents (page 20).

3. Counsel for the applicant clearly stated that the applicant has already been relieved from the school. Learned counsel for the respondents on the other hand submitted that since the applicant has



already been relieved and Sri Gopal Singh Bisht has already joined, this case calls for no interference at this stage.

4. I have heard both learned counsel for parties and perused the O.A.

5. It is correct that the transfer is an incidence of service and it is the prerogative of the department to decide who is to be posted where but when a person is posted in short interval, the respondents are required to justify their action. In this case, it is seen that the applicant has already ~~been~~ given his representation on 13.06.2005 wherein he has given 2-3 options which seems to be quite reasonable but none of his requests have been acceded to nor his representation has been decided so far. In these circumstances I think this case can be disposed of at the admission stage itself by directing respondent No. 3 to consider the representation of the applicant and decide the same within period of four weeks from the date of receipt a copy of this order under intimation to the applicant.

6. Till such time the representation of the applicant is decided, the respondents may allow the applicant to work at some other nearest vacant post



of PGT (Math) for example Kendriya Vidyalaya, Lansdown  
or Uttarkashi temporarily.

7. With the above direction this OA is disposed of  
at the admission stage with no order as to costs.

*S.*  
*1/8/05*

MEMBER- J

/ANAND/