

**Central Administrative Tribunal
Ernakulam Bench**

O.A No.180/00523/2021

Monday, this the 11th day of October, 2021

CORAM:

Hon'ble Mr. P.Madhavan, Judicial Member
Hon'ble Mr.K.V.Eapen, Administrative Member

Akhil. K, aged 34 years,
S/o Bhaskaran C.M,
(Trained Graduate Teacher(Maths),
Kendriya Vidyalaya No. 1, Calicut – 673 005.
Residing at: “Rambhavan”, Palzhi,
Calicut – 673 016.

-Applicant

(By Advocate: Mr.T.C.G. Swamy)

Versus

1. Kendriya Vidyalaya Sangathan,
No.18, Institutional Area, Shaheed Jeet Singh Marg,
New Delhi – 110 016 – represented by its Commissioner.
2. The Assistant Commissioner (Fin), Kendriya
Vidyalaya Sangathan No. 18, Institutional Area, Shaheed
Jeet Singh Marg, New Delhi – 110 016.
3. Principal, Kendriya Vidyalaya No. 1,
Calicut – 67005.
4. The Deputy Commissioner, Kendriya Vidyalaya Sangathan
Ernakulam Regional Office, Kochi – 682 020.
5. The Secretary to the Government of India.,
Ministry of Education, New Delhi – 110 001.

- Respondents

(By Advocate: Mr.C. Rajendran, SCGC)

The O.A having been heard on 11th October, 2021, this Tribunal delivered the following order on the same day:

ORDER (ORAL)

P.Madhavan, Judicial Member

This Original Application has been filed by the applicants seeking the following reliefs:

“(a) Call for the records leading to the issuance of Annexure A1 and quash the same to the extent it relates to the applicant;

(b) Direct the respondents to allow the applicant to continue at the present station i.e. KV 1, Calicut as if Annexure A1 had not been issued at all;

(c) Award costs of and incidental to this application;

(d) Pass such other orders or directions as may be found just and proper in the facts and circumstances of the case.”

2. The brief facts of the case are as under:

The applicant is a Trained Graduate Teacher (Maths) Calicut and is aggrieved by a Transfer order bearing F.no.11-E-11046/2/2021-Estt-II/UNDER-40(ADMN) dated 09.10.2021 transferring him to TULI (hard station) in Nagaland, overlooking the fact that the applicant had already served in a hard station. Hence, the applicant has approached this Tribunal praying for the above reliefs.

3. When the matter came up for consideration, it appears that the applicant has given a representation as Annexure A6 to the Competent Authority and it is not disposed of till date.

4. Adv.Mr.C. Rajendran, SCGC takes notice on behalf of the respondents and submits that as per his information the mistake has crept in only because the applicant has not shown whether he has worked in a hard station or not.

5. In view of the limited relief, the Competent Authority is directed to consider Annexure A6 representation in the light of relevant rules, regulations and transfer guidelines of Kendriya Vidyalaya and pass a speaking order within a period of two months from the date of receipt of a copy of this order. Applicant may also be given an opportunity to be heard before disposal of the representation. Till that time, status quo as on date shall be maintained.

6. The Original Application is disposed of as above at the admission stage itself.

No costs.

(K.V.Eapen)
Administrative Member

(P.Madhavan)
Judicial Member

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List of Annexures

Annexure A1 - True copy of the Transfer order bearing F.no.11-E-11046/2/2021-ESTT-II/UNDER 40(ADMN) dated 09.10.2021 issued by the 2nd respondent.

Annexure A2 - True copy of the Transfer Guidelines of KVS 2021 issued by the first respondent.

Annexure A3 - True copy of the office order bearing No.F. 1-7/KV CRPF/2010-2011/209 dated 12.10.2010, relieving the applicant to Donimala.

Annexure A4 - True copy of office order relieving the applicant to Calicut bearing no. F 1-4/KVD/2014-15/186 dated 24.06.2014 issued by the Principal/Donimala.

Annexure A5 - True copies of the relevant pages of the revised list of hard stations published by the first respondent under no. F.11-19/2004-KVS(HQ)Admn.-1/678 dated 05.11.2020.

Annexure A6 - True copy of the representation addressed to the first respondent, dated 10.10.2021.

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