

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH, LUCKNOW
(Hearing through Video Conferencing)**

Suppl. Sl. No. 1

Original Application No. 332/00225/2020

This, the 03rd day of December, 2020.

HON'BLE MR. A. MUKHOPADHAYA, MEMBER (A).

Smt. Anupam Madan aged about 58 years W/o Sudesh Madan Resident of C-1094, Indira Nagar, Lucknow.

...Applicant

By Advocate: Shri Dinesh Kumar Tandon.

Vs.

1. The Commissioner, Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.
2. The Deputy Commissioner, Kendriya Vidyalaya Sangathan, Regional Office, Sector 'J', Aliganj, Lucknow-226024.
3. The Assistant Commissioner (Estt. 2&3), Kendriya Vidyalaya Sangathan, 18-Institutional Area, Shaheed Jeet Singh Marg, New Delhi-110016.

...Respondents

By Advocate: Ms. Pushpila Bisht.

ORDER (ORAL)

Per Hon'ble Mr. A. Mukhopadhaya, Member (A),

This is a Division Bench matter. Division Bench is not convened today.

2. Heard both the learned counsel on the question of interim relief.

3. At the outset, Ms. Pushpila Bisht, learned counsel for the respondents referring to this Tribunal's order of 28.10.2020, submitted that in compliance of the same the Commissioner, KVS, (Respondent No.1), had considered the representation of the applicant for Last Transfer Before Retirement to Lucknow station and had disposed of the same vide a detailed order dated 27.11.2020. A copy of this order has been supplied recently to the learned counsel for the applicant. Looking to this position, she prayed that the order dated 27.11.2020 which has also been filed in the Registry be taken on record. Since learned counsel for the applicant has no objection to this, the above mentioned order of the respondents is ordered to be taken on record as Annexure SR/1.

4. Ms. Pushpila Bisht, learned counsel for the respondents pointed out that in this order of 27.11.2020, the respondent no.-1 the Commissioner, KVS has stated that since the applicant's request could not be considered for the year 2019 on account of the form not being properly filled, (Annexure A-2 refers), the respondents will only be in a position to consider the same during the next round of annual transfers.

5. At this, Shri Dinesh Kumar Tandon, learned counsel for the applicant objected stating that the applicant had been

following up of her application for a very long time after its initial submission to competent authority and the defect mentioned now could have been rectified by the respondents before the transfers closed on 31.08.2019. However, in the circumstances, he said that he would be satisfied if the applicant is given leave by this Court to make a representation to the respondent no.1, (the Commissioner, KVS), within the next fortnight and the same may be considered sympathetically by the respondents in the light of this Tribunal's observations in OA No. 101 of 2020, order dated 21.08.2020. He emphasized that the provision of allowing a last transfer before retirement, (LTR), as per the preferences given by the employee, has *suo-motu* been made a part of the respondents' transfer policy and therefore they are required to honour and implement their own policy in this regard, especially when the delay in its implementation is not wholly attributable to the applicant in the present case as her application, if found defective, could have been rectified in time for the annual round of transfers in 2019.

6. Looking to the aforementioned position and the limited nature of plea made by the learned counsel for the applicant, I deem it appropriate, without going into the merits of the case, to direct the respondent no. 1, (Commissioner, KVS), to consider any representation for Last Transfer Before Retirement to Lucknow station, if submitted by the applicant within the next fortnight, sympathetically and in accordance

with law and policy, within a further period of two months from the date of receipt of such representation.

7. Original Application is disposed of accordingly. There shall be no order as to costs.

(A. Mukhopadhaya)
Member (A)

JNS