

RESERVED

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD

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Allahabad : Dated this 26th day of November, 1999

Original Application No.758 of 1999

District : Bareilly

CORAM :-

MR. L. HINGLIANA, A.M.

Anil Kumar Gupta
S/o Shri Shiv Shankar Lal,
R/o E-1967, Rajendra Nagar,
P.O. Izat Nagar, Bareilly U.P.

(Sri Pankaj Srivastava, Advocate)

. Applicant

Versus

1. Commissioner Kendriya Vidyalaya Sangathan(H.O.)
18, Institutional Area, Sahid Jeet Singh,
Marg, New Delhi-110016.
2. Deputy Commissioner (Administration)
Kendriya Vidyalaya Sangathan (H.O.)
18, Institutional Area, Sahid Jeet Singh Marg,
New Delhi.
3. Principal Kendriya Vidyalaya (N.E.R)
Izat Nagar District Bareilly.
4. Dr. Ram Kumar Principal,
Kendriya Vidyalaya (N.E.R.) Izat Nagar,
District Bareilly.

(Sri V.K..Singh, Advocate)

. Respondents

ORDER

The applicant is a Trained Graduate Teacher(Maths) in the Kendriya Vidyalaya Sanghathan. By this OA he is challenging the order of the Deputy Commissioner (Adm) Kendriya Vidyalaya Sanghathan, Headquarters New Delhi dated 24-6-1999, transferring him from Bareilly to Tezu in Arunachal Pradesh.

2. According to the applicant, the transfer was because of the ill-will, The Principal of the Kendriya Vidyalaya (N.E.R) Bareilly had ~~ill-will~~ against him. According to him, the Principal misbehaved with a lady Trained Graduate Teacher at the time of assembly on



1-4-1998 and the teachers held a meeting and passed a resolution condemning the Principal and he was the first signatory of the representation submitted by the teachers to him (Principal), that on 27-2-1999, the Principal called for his explanation on the unanimous complaint he received and ^{the} transferred order was the outcome of that sort of feeling he had against the applicant. It is contended that normally Group 'C' employees like the applicant are not normally transferred outside the region and for that purpose, Annexure -2 is relied upon, but the Annexure is the order of the department showing the appointing, disciplinary and appellate authorities relevant for various posts in the Sanghathan and it is not relevant for this purpose.

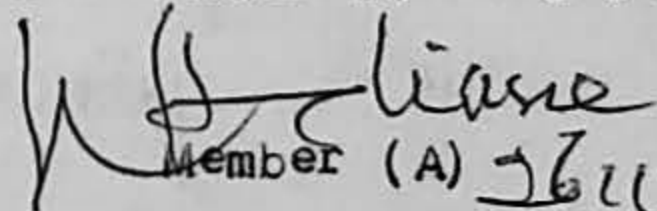
3. In the counter affidavit filed on behalf of the respondents, it is stated that the applicant had been in Bareilly since September, 1983 and he could not have any grievance against his transfer as he is a transferable Government servant and that instead of the Principal, it was the Lady Teacher who was misbehaving and showing insubordination at the time of the assembly of teachers and students. It is further stated that the Principal reported the matter to the Headquarters and to show that the Lady Teacher was not discriminated against, it is stated that senior scale was granted to ^{her} him by the Principal on 9-10-1998 in anticipation of the approval of the higher authorities.

4. The applicant filed his rejoinder affidavit but it is not necessary to give the details of the rejoinder affidavit, suffice it to say that the applicant has not

sufficiently established the allegation of malafides against the respondents in the matter of his transfer. After all, he is a transferable Government servant and he had been in Bareilly for a sufficiently long time of 17 years and he is not entitled to the interference of the Tribunal in the matter of his transfer. The applicant has made much of the alleged misbehaviour of the Principal to the Lady Teacher, but the incident leading to the allegation of misbehaviour took place before the assembly of teachers and staff and it was not a case of sexual harassment of the Lady Teacher by the Principal.

5. Subsequent to the impugned order of transfer, the place to which the applicant was transferred was changed twice and the last order was the order of his promotion and transfer on promotion to Rangapahar in Nagaland. The applicant has not joined the post. It is stated in the order that if he failed to join the post within one month, he would be deemed to have foregone his promotion. That stipulation may be going too far and unwarranted. The applicant will have to be allowed to join his post on promotion at Rangapahar on promotion and if he declines to join, then there may be a case for deeming him to have foregone his promotion, but that will have to be according to the rules.

6. In the result the application has to fail and it is hereby dismissed with no order as to costs.


Member (A) 26/11/99

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