

(Open Court)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

Allahabad this the 20th day of November, 2001.

QUORUM :- Hon'ble Mr. C.S. Chadha, Member- A.

Original Application No. 833 of 1999.

Rukum Pal Singh S/o Sri Sahab Singh
R/o B-6, Kendriya Vidyalaya Parishad, Mathura Cant,
Mathura.

.....Applicant

Counsel for the applicant :- Sri V.P. Shukla

V E R S U S

1. The Commissioner, Kendriya Vidyalaya Sangathan,
(Head Quarter), Shaheed Jeet Singh Marg,
18, Institutional Area, New Delhi.
2. Deputy Commissioner (Administration), Kendriya
Vidyalaya Sangathan (Head Quarter), 18,
Shaheed Jeet Singh Marg, Institutional Area,
New Delhi.
3. Principal, Kendriya Vidyalaya, Mathura.
4. Bhagawan Singh Rawat, Ex- Principal, Kendriya
Vidyalaya, Mathura Cantt. At present posted at
Kendriya Vidyalaya, Rewari, Haryana.

.....Respondents

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

O R D E R (oral)

(Hon'ble Mr. C.S. Chadha, Member- A.)

This O.A has been filed under section 19 of the
Administrative Tribunals Act, 1985.

2. The case in brief is that applicant was a teacher in Kendriya Vidyalaya, Mathura Cantt, Mathura. He was transferred on 24.06.1999. After the receipt of the order, he applied for transfer T.A which was granted to him and which he duly accepted. This is an indication of the acceptance of his transfer order. However, he approached this Tribunal and matter later went to the Hon'ble High Court as well as to the Hon'ble Supreme Court on various interim issues related to the case. The Hon'ble Supreme Court directed this Tribunal to consider the case on merits and to dispose it of finally.

3. In such a case, the only issue to be considered is whether there were any malafides behind the transfer or not. It is admitted that the transfer was necessary in the interest of maintaining a proper atmosphere in the school and the interest of the students. Due to several allegations and in the interest of maintaining proper discipline in the school, the K.V.S decided to transfer all the concerned teachers as well as the Principal. The allegations of the applicant are that the Principal acted in a malafide manner because he was sexually harrassing one of the lady teachers and this was opposed by the applicant. This allegation has not been proved and the averment that the Principal acted in a malafide manner cannot therefore, be accepted. Moreover, the transfer order was not issued by the Principal but by the higher authority after taking into consideration all the relevant matters. The applicant admits that he had been at Mathura for seven years prior to the transfer order. Learned counsel for the applicant has placed reliance on the judgment of this Tribunal in case of Dr. S. Mohan Vs. State of U.P in 1996 (1) UPLBEC (Tribunal). I have gone through the cited judgment and in my opinion, this case does not

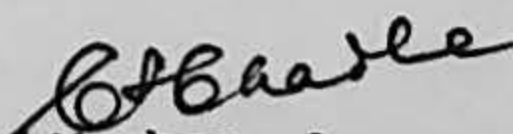
B. B. S. S.

help the applicant in any manner as the facts and circumstances of that case were different. I find no reason to interfere with the transfer order. The O.A is therefore, dismissed.

4. The applicant has also prayed for grant of salary because he has not been paid salary since his transfer. Salary can only be paid if either he joins at the place of transfer or receives a stay order for the intervening period. By the order of K.V.S, he was attached to Jaisalmer where he also did not join. Hon'ble High Court had modified the order of transfer and directed that he be allowed to continue as Mathura Cantt. However, this was rejected by the Hon'ble Supreme Court. I therefore, find no force in this submission for grant of salary because he did not join anywhere in the intervening period. However, he can be paid salary for the period when his transfer order remained stayed by the Hon'ble High Court till the Hon'ble Supreme Court set-aside the stay order. The rest of the claim for salary is rejected.

5. It is also observed that the applicant has shown an undisciplined approach by not obeying any transfer order on same flimsy ground or the other and therefore, deserves no sympathy.

6. There will be no order as to costs.


Member- A.

/Anand/