

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION No.1162/1999

MONDAY, THIS THE 27TH DAY OF MAY, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI .. VICE CHAIRMAN

HON'BLE MR. C.S. CHADHA ... MEMBER (A)

Krishn Gopal,
S/o Sri Chedi Lal,
R/o H.No.2055, Type-II,
I.I.T. Kanpur. ... Applicant

(By Advocate Shri B.B. Sirohi)

Versus

1. The Commissioner,
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.
2. The Dy. Commissioner (Admn.),
Kendriya Vidyalaya Sangathan,
18, Institutional Area,
Shaheed Jeet Singh Marg,
New Delhi - 110 016.
3. The Assistant Commissioner,
Kendriya Vidyalaya Sangathan,
(Lucknow Region), Sector-'J',
Aliganj, Lucknow - (U.P.).
4. The Principal,
Kendriya Vidyalaya,
I.I.T., Kanpur - 208 016.
5. Union of India, through
Secretary, Ministry of H.R.D.,
New Delhi. ... Respondents

(By Advocate Shri N.P. Singh)

ORDER - (ORAL)

Hon'ble Mr. Justice R.R.K. Trivedi, Vice Chairman:

By this O.A. under Section 19 of the A.T. Act,
the applicant has challenged the order dated 10.5.1999
by which the applicant has been transferred as T.G.T.
(English), from Kanpur to K.V. Rangapahar (Nagaland).

 ...2..

2. The facts of the case are that the applicant was appointed as Teacher on 16.6.1968. He was appointed as Trained Graduate Teacher (T.G.T.) by order dated 25.7.1981. The applicant was posted at Armapur, Kanpur. On his own showing, the applicant is working at Armapur, Kanpur right from 4.8.1991. It is stated that the applicant was transferred from Armapur to Kendriya Vidyalaya, I.I.T., Kanpur. Thus, from 1981, the applicant is serving at Kanpur. More than 18 years have passed. In the circumstances, it cannot be said that the order of transfer dated 10.5.1999 is arbitrary or illegal.

3. The applicant is serving in an All India service and transfer being one of the conditions of service, ^{in view of} ~~it is~~ that he will have to serve in any part of the country. It is also not denied that the applicant has not served in any hard areas. The learned counsel for the applicant, however, invited our attention to the orders dated 14.6.1999 (Annexures-5 and 6) by which other two Teachers who were also transferred by order dated 10.5.1999, have been accommodated in the nearby places. On this basis, it has been attempted to say that the applicant has been discriminated and therefore ^{is} ~~is~~ malafide. But, we are not prepared to accept that the order can be termed to be arbitrary or malafide on this ground. Every teacher has his own

R →

grounds. Of-course, the Teachers may have ~~wrote~~^{represented} against the transfer and they may have been accommodated for convincing reasons. The applicant also wrote against his transfer, but, his representation has been rejected. In the circumstances, we do not find any good ground for our interference with the order of transfer.


4. Now, the next question is about joining of the applicant. The impugned order of transfer was passed on 10.5.1999. Against the aforesaid transfer order, he filed a representation before the departmental authorities on 20.6.1999 (Annexure-7). As the representation was not decided ✓ the applicant filed this O.A. on 28.9.1999, in which an interim order was passed on 23.12.1999. The interim order was confirmed after hearing the parties on 15.2.2000. However, on 21.1.2002, the O.A. was dismissed in default and the interim order was vacated. Thereafter, the O.A. was restored to its original number and the interim order was again passed on 25.1.2002, which remained in force upto 9.5.2002. The representation of the applicant was dismissed on 16.5.2001, which has also been challenged by amendment.


5. Considering the aforesaid facts and circumstances, it is clear that the applicant was challenging the impugned order of transfer either before the authorities or before this Tribunal and there could be justification on his part not to join at Nagaland. It is not disputed that under the interim order of this Tribunal, the applicant was allowed to join at Kanpur on 22.5.2000, and he has been serving at Kanpur



6. In the circumstances, we direct that the applicant shall be paid his salary for the period till 9.5.2002. The applicant shall be allowed reasonable time to join at Rangapahad, Nagaland, ~~under the interim order within a month~~ and the applicant shall be entitled for joining time as per rules.

7. It is also stated that presently the institutions are closed on account of vacations and the applicant has stated that he will join in July, 2002. The application is accordingly disposed of. There shall be no order as to costs.


MEMBER (A)


VICE CHAIRMAN

psp.